



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Andrew Kunasek, Chairman, District 3  
Fulton Brock, District 1  
Don Stapley, District 2  
Max Wilson, District 4  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Supervisors' Auditorium  
205 W. Jefferson  
Phoenix, AZ 85003

# FORMAL MEETING MINUTES

## BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, September 17, 2008  
9:00 AM**

**1. INVOCATION**

Clem Ligocki, MCDOT, delivered the invocation.

**2. PLEDGE OF ALLEGIANCE**

Richard A. Wallace, MCDOT, led the assemblage in the Pledge.

**3. ROLL CALL**

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, September 17, 2008, in the Supervisors Auditorium with the following members present: Max Wilson, Acting Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2; Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, Chairman, District 3. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

**BOARD OF SUPERVISORS**

**4. Pet Showcase by Maricopa County Animal Care and Control.**

Aprille Hollis, Animal Care and Control, introduced Toto, a two-year old terrier mix with some schnauzer blood added, who is looking for a new home and family. Toto will be available at 11:00 a.m. at the 27th Avenue & Durango shelter, 2500 South 27th Avenue, Phoenix.

**PRESENTATIONS**

**5. RECOGNITION OF MARICOPA COUNTY OFFICIALS**

Recognition of Maricopa County Elected Officials and Court Institution Department Directors who have been elected to national and state executive boards. (C-20-09-018-P-00)

Chairman Wilson asked Superior Court Presiding Judge Barbara Mundell to introduce the Administrators and Directors from the courts who are being honored today.

Judge Mundell said the Court is blessed to have administrators who are dedicated to innovation and efficiency, always looking for ways to do more with less while promoting the Court's mission to deliver timely and impartial justice to everyone. She first noted Marcus Reinkensmeyer, Chief Court Administrator since 2003, who has totaled 30 working years in courts throughout the country. He has been named 2008 President of the National Association of Court Management. Bill Hanley, the Courts Human Resources Director, has been named as the 2008 President of the Association of Labor Relations Agencies. Barbara Broderick, Chief Probation Officer, was named the 2008 President-elect of the American Probation and Parole Association. She congratulated each of them on their accomplishments.

Supervisor Brock acknowledged Clerk of the Superior Court, Michael Jeanes, who was elected president of the Arizona Association of Counties (AACo) last November. AACo membership exceeds 200 county elected officials statewide and is dedicated to improving county government in the State of Arizona by serving as a liaison to the Arizona Legislature, Congress and other governmental agencies, the media and the public.

Chairman Wilson honored Supervisor Stapley, saying he continues to extend the honor of being named County Leader of the Year by American City and County Magazine, and is putting Maricopa County on the map once again by agreeing to serve as 2008-2009 President of the National Association of Counties (NACo).

Chairman Wilson called all those honored, and Judge Mundell, forward for photos and

to receive a small token of appreciation.

Michael Jeanes thanked the Board Members and congratulated his fellow recipients. Mr. Jeanes said it is an honor and privilege to serve the people of Maricopa County, and in his role as President of AACo all the people of Arizona, especially in these very difficult times. He said that counties are facing some very challenging times and they have tried to interface with the Legislature and Governor to let them know this, so services can continue to be provided in the most efficient manner.

Marcus Reinkensmeyer also came forward to thank Judge Mundell and the Board for the honor and recognition. He said that these honors would not have been possible in this kind of a role except for the court system in Maricopa County and the support provided by the Board of Supervisors. He said he believes this is one of the best justice systems in the country.

Supervisor Brock also commented on Supervisor Stapley's accomplishments. He stated that Supervisor Stapley continues to honor the County by being named County Leader of the Year by the American City and County Magazine. He also alluded to Mr. Stapley's NACo Presidency for 2008-09. He said that NACo is the only National organization that represents county government. It provides essential services to the nation's 3,068 counties, assisting them to find innovative solutions through education and research. NACo also provides value-added services to save county and taxpayer monies. He said that NACo and Maricopa County are very lucky to enjoy the problem solving abilities that Supervisor Stapley is able to provide.

Supervisor Stapley said it is a humbling experience to be recognized by your peers and fellow workers. He added, "County Government is alive and well in America, I can tell you that." He said he has been privileged to work with many counties across the nation and many state associations who do a great job in an "unsung, unrecognized level of government." He said that counties are really "where the rubber meets the road and where the real work gets done all across America." He said his duties provide a lot of fun in letting him meet some great people and work with many members of Congress and the Administration. He said, "We are in a very important time right now when there will be significant change in our nation over this next year, so it's doubly challenging and at the same time it's doubly rewarding for us to be engaged with our federal government through NACo." He expects to work with the new administration in the coming year on immigration issues, green government issues, and on restoring a partnership between local governments and the federal government.

## **6. PRESENTATION OF A PLAQUE TO RICHARD A. WALLACE**

Presentation of a plaque to Engineering Division Manager and Superintendent of Streets, Richard A. Wallace, in recognition of his 34 years of service with Maricopa County. (C-91-09-040-P-00)

Chairman Wilson said that saying goodbye to Richard Wallace as he retires will be hard for all in Maricopa County who have known him and worked with him as he has solved a myriad of problems during his 34 years in County government and as MCDOT's Superintendent of Streets and Chief Engineer. The Chairman read a list of Mr. Wallace's many accomplishments since he started work with the old County Highway Department when he was still in high school. Chairman Wilson presented Mr. Wallace with a plaque to recognize his long and distinguished service for the County.

Richard Wallace responded by saying it has been an honor and a very rewarding

privilege to serve this Board and the citizens of Maricopa County. He said, "We truly have a wonderful organization with many outstanding individuals who I will truly miss.

Supervisor Stapley told Richard that he was a consummate problem solver, adding that he had never worked with anyone in the County who had a better way of bringing people together to solve problems, many of them very tough problems with tough solutions. He said, "There is no way we are going to be able to replace you, and we will miss you very much."

Supervisor Wilcox said when she started her 16-year tenure at Maricopa County she asked former Supervisor Ed Pastor, "How do you handle everything?" He told her, "Just call Dick Wallace, he'll handle it for you, and I've done that ever since!" She said that Richard met his wife, also a County employee, one day when he offered her a ride home after she missed her bus, and they've been married 24 years.

Clerk of the Board, Fran McCarroll, also thanked Mr. Wallace for the great help he has been to her office in working with the Special Improvement Districts, saying she made him a Deputy Clerk of the Board so he could handle the many duties involved with those Districts. She added that many people in Maricopa County have him on their "speed dial" because he helps to solve so many problems.

## **PRESENTATION/ACTION**

### **7. WORLD RABIES AWARENESS DAY**

Approve a resolution designating September 28, 2008, as World Rabies Awareness Day in Maricopa County and waive the rabies vaccination fee for all dogs and cats receiving rabies vaccinations at Maricopa County sponsored events scheduled September 23, 2008 and September 28, 2008. (C-79-09-021-M-00)

Dr. Rodrigo Silva, Assistant County Manager, Community Solutions, said that two days, September 23 and 28, have been designated as free rabies vaccination days for the pets of Valley residents and they expect to vaccinate 150 animals each day. He noted that 16 rabid bats and one rabid bobcat were found in Maricopa County in 2007. To date, in 2008 14 rabid bats and one coyote have been found. He said that vaccinating pets creates a barrier between wildlife and humans. In future years Maricopa County Animal Care and Control plans to go to different neighborhoods having a high potential for rabies invasions and their mobile unit will provide pet vaccinations.

Dr. Silva distributed copies of a "comic book" on rabies and bats, etc., which has been developed and printed in English and Spanish to distribute to children, some of whom may find a bat and carry it home or to the classroom, which is potentially dangerous to many residents.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **STATUTORY HEARINGS**

**Clerk of the Board**

### **8. LIQUOR LICENSE APPLICATIONS**

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

#### **a. FALCON GOLF CLUB**

Approve an application filed by James Alwier Bellows for a Person-to-Person Transfer of Series 07-070230 Liquor License from Sheila Ann Reed, for Falcon Golf Club, 15152 W. Camelback Road, Litchfield Park, AZ 85340. MCLL#6274 (C-06-09-052-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Wilcox, Wilson  
Nays: Brock  
Absent: Kunasek

#### **b. VFW POST 12031**

Approve an application filed by Alan John Bakas for a Special Event Liquor License for VFW Post 12031, at 41703 Gavilan Peak Pkwy, Anthem, AZ 85086, at 10:00 a.m. to 7:00 p.m. on November 8, 2008. (SELL #850) (F23249) (C-06-09-071-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Wilcox, Wilson  
Nays: Brock  
Absent: Kunasek

#### **c. ST. STEVENS CATHOLIC CHURCH**

Approve an application filed by Fr. Pierre Hissey for a Special Event Liquor License, 24827 S. Dobson Road, Sun Lakes, AZ 85258, on October 24, 2008 from 5:00 to 10:30 p.m. MCSELL #846 (F23249) (C-06-09-074-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Wilcox, Wilson  
Nays: Brock  
Absent: Kunasek

#### **d. CATHOLIC DAUGHTERS OF THE AMERICAS**

Approve an application filed by Joan Therese Cosson for a Special Event Liquor License, 14818 W. Deer Valley Drive, Sun City West, AZ 85375 on October 26, 2008 from 3:00 to 6:00 p.m. MCSELL #851 (F23249) (C-06-09-075-L-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Wilcox, Wilson  
Nays: Brock  
Absent: Kunasek

**Public Works**

**9. ROAD FILE DECLARATIONS**

Approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

- a. **Road File No. 5802.** In the general vicinity of Area bounded on the North by Camelback Road, on the South by Indian School Road, on the West by Dysart Road and on the East by El Mirage Road. (Supervisory District 4) (C-91-09-015-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**AGENCY ITEMS AND STATUTORY MATTERS**

**COUNTY OFFICERS**

**County Attorney**

**10. FEDERAL EQUITABLE SHARING AGREEMENT AND ANNUAL CERTIFICATION REPORT**

Approve the FY 2007-08 Federal Equitable Sharing Agreement and Annual Certification Report between the Maricopa County Attorney's Office (agency) and the U. S. Department of the Treasury and the U. S. Department of Justice. This report accounts for federal equitable sharing funds received from the U. S. Department of the Treasury or the U. S. Department of Justice. The term of this agreement commences October 1, 2008 and expires September 30, 2009. Also, authorize the Chairman of the Board of Supervisors to sign all documents related to this certification report and agreement. (C-19-09-022-M-00)

The Clerk informed the Chairman that representatives were present to answer any questions on this item. There were no questions.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**Sheriff**

**11. TERMINATION OF THE LAW ENFORCEMENT SERVICES CONTRACT WITH THE TOWN OF GUADALUPE**

Approve the request of the Sheriff's Office to terminate the contract for Law Enforcement Services with the Town of Guadalupe originally approved by the Board on August 22, 2007 (C-50-08-005-2-00). The Sheriff will send the final notification for the 180-day written notice to the Town with the Clerk's certification of this item. Also, approve per A.R.S. 42-17106 the

following changes: reduce the Sheriff's Office FY 2009 general fund (100) revenue appropriation by (\$348,858), (\$1,205,046) annualized, and the Sheriff's Office FY 2009 general fund (100) expenditure appropriation by (\$280,559), (\$975,772) annualized.

Termination of this contract begins 180 days following the delivery of the written notice to the Town, and the anticipated termination is midnight, March 16, 2009. This item was continued from the August 6, 2008 meeting. (C-50-08-005-2-01)

The Clerk announced two speakers, Guadalupe Mayor Frank Montiel and Santino Bernasconi, Centro de Armistad.

Frank Montiel, newly appointed Mayor of Guadalupe, said he had brought council members, legal counsel and the Town Manager, representing the new leadership of the Town of Guadalupe. He asked that all parties honor the current contract between the town and the Sheriff's Office until the year 2010, otherwise the Town of 5,500 residents is left with no alternative for police protection. He said the former officials had taken little or no action to look into finding alternatives. He alluded to the hot political issues in the County and State, adding that for the Town of Guadalupe the issue is for public safety. He said that the Guadalupe community has spoken and has chosen its new leadership. He said this leadership realizes they cannot tell an elected official (Mr. Arpaio) how to do his job. "All we can do is work with the Maricopa County Sheriff's Office in their doing their jobs when in our community."

Supervisor Stapley thanked the Mayor for coming and asked about alternatives, such as policing agencies in Phoenix or cities/towns closer to Guadalupe. Mayor Montiel replied that the town council had not taken any steps to find an alternative policing force. He again asked the Board to help them to keep the current IGA in force until it expires in 2010. At that time the town may decide to look at a viable alternative but now they have a contract with MCSO and the new town representatives wish it to remain in force.

Supervisor Stapley remarked that no action had been taken to find an alternative even though Sheriff Arpaio had exercised his right to withdraw from the IGA with 180 days notice and had notified the town of his intention to do so. Mayor Montiel replied that he had the April 18, 2008, letter from the Sheriff that he said was addressed to Mayor Jimenez and not to the Mayor and Council of Guadalupe. The letter noted the difference between the Sheriff's dedication to "full law enforcement" and the Town's position of "selective and self-serving enforcement." The Mayor said he did not believe this was "a good representation by the community as a whole. Now the community has spoken. We have new leadership." He said the community is law abiding and respects enforcement of the law by the Sheriff's Office and by all law enforcement agencies.

Supervisor Stapley asked if he'd had any discussions with the Sheriff. Mayor Montiel answered that he had just been appointed as the Mayor of Guadalupe this past Thursday, and had tried to contact the Sheriff yesterday, adding that he was confident that with good communication this contract doesn't have to be severed.

The Mayor read the following statistics regarding recent arrests:

"Of the 45 arrests, 18 individuals were warrant arrests, 28 warrants were cleared; 6 individuals were arrested for drug violations, 9 individuals - after being interviewed - were determined to be illegal immigrants; 12 individuals were arrested for miscellaneous other charges. I think that's a pretty good day for law enforcement in getting the bad guys off the streets no matter what community or municipality you're in."

Supervisor Brock said the Sheriff has voiced concern that the Sheriff's Office is not wanted in Guadalupe. He remarked that the former mayor had openly expressed

discontent, and other feelings, with regards to this service. He asked the Mayor how he would characterize the receptivity of the Sheriff's Department in Guadalupe now. The Mayor said that on the night he was there, "there was a lot of picketing against the Sheriff's Office being in Guadalupe, from community members alike with picketers who were from outside of the community." He referenced the American right to freedom of speech, but in a respectful and law abiding manner. He added, "On that night, and with the media coverage, it may have seemed that Guadalupe, as a whole, had discontent." He said he didn't want to make this into the "hot political issue of immigration . . . and added that the simple agenda for the Town of Guadalupe is public safety. He stated, "I'm a compromising man, it's not broken, at this point we do not want to fix it, MCSO has done a professional job." He said he would be lying if he said there had been no complaints, but he thought the community, as a whole, feels that MCSO is not the "anti-Guadalupe agency it's been portrayed to be in the media and with the few people who were interviewed in the media." He said he was now representing the community and staff as a whole, and he wants to move forward with this relationship through at least 2010.

Santino Bernasconi, resident of Guadalupe and member of Centro de Armistad, and Citizens of Guadalupe for Public Safety, said he wished to endorse what the Town Council is requesting at this point - to maintain the MCSO contract. He felt that actions taken in the last three-weeks with one council member being replaced and the change in the positions of Mayor and Vice-Mayor was acknowledgment of a new working relationship. He said this wasn't a condemnation of the former leadership but it was important to realize that the community had to look at alternatives in a planned and well-thought out way so any change, if chosen, is done for the benefit of all the citizens. He said there is a need for time and study to look at better ways of providing public safety in our community. He asked that the Council and the community be given time to move forward and to evaluate, plan and put into place any type of change that might occur if that's what the Council chooses to do.

Supervisor Wilcox called the request by Guadalupe one of prudence. She said the town needs public safety and the Sheriff has been their public safety person for 20 years. She said the prior administration had spoken with other jurisdictions about law enforcement but because of the budget situations nothing resulted from it. Honoring the 2010 contract date would give the Town time to come to a decision.

Motion was made by Supervisor Wilcox to work with all parties involved for the public safety needs of Guadalupe instead of terminating the contract.

The motion died for lack of a second.

Chairman Wilson commented that there are some people who don't want the Sheriff around. He said he felt there was no one who does a better job of enforcing the law than Sheriff Arpaio and if the Sheriff is willing to give the extension, and would notify the Board, he has that option. He thought if it could be resolved it could be done in 180 days.

Supervisor Wilcox withdrew her motion in favor of more discussion. Supervisor Stapley called for an authorized person from the Sheriff's Office to come forward to testify. He asked if the Sheriff would be willing to take two weeks to meet with the new Mayor and Council to discuss this matter.

Loretta Barkell, Chief Financial Officer, Sheriff's Office, said she thought the Sheriff's preference would be that a vote be taken on this item as it is and to meet with the town officials for discussion during the 180 days given in this item. Supervisor Stapley said if



the Sheriff would be willing to do that, he, or any other supervisor, would be willing to participate in those discussions. He said the IGA is a three-party agreement, signed by the town, the sheriff and by the County. He felt that with six-months before the termination this item could be reconsidered. It was his preference that this be brought back after the three parties meet for discussion and possible reconsideration. He suggested the termination be approved but only if the Sheriff's Office agrees to meet during the 180 day period to reconsider the termination.

Ms. Barkell said she believed the Sheriff's Office would meet with the council as the Sheriff is always open to discussion. Supervisor Stapley said that in considering the attitude of the new mayor and council he felt there is reason to reconsider, but he did not want to continue to postpone it.

Supervisor Brock said he felt encouraged after hearing Mayor Montiel's remarks but has concern about the lack of respect from residents that deputies are reporting to the Sheriff. He also has great concern about a town of 5,500 absent any law enforcement. He said he has spoken to mayors of surrounding cities who have expressed surprise that they have received no paperwork from Guadalupe requesting bids or feedback on this issue. He encouraged the Mayor to get this on their agenda as soon as possible. He indicated he would join his colleagues in a progressive move forward in putting emotions and passion aside to do the right thing. He put forward the idea of, instead of terminating it today, to put it forward for six months or a year to give necessary time.

Supervisor Wilcox said she would prefer this approach as "termination" of anything gives it a very negative connotation. She favored continuing the item in order to hold discussions rather than terminating it as termination sends the wrong message. She referenced Supervisor Stapley's experiences as a mediator in NACo and suggested that he and she work with both parties to try to resolve this issue.

Supervisor Stapley said there could be some confusion regarding this action. He explained that termination of the IGA doesn't take effect for six-months, which gives a lot of time to reconsider the termination. He said he would like to see the relationship put back together and would do everything in his power to facilitate that. He reminded the Members that this action had already been continued, progress has been made and there is six-months to continue this progress - he did not think it would take that long to resolve this. He felt it best to approve the item.

Mayor Montiel said he felt that lines of communication being open between the new town leadership and Sheriff Arpaio and also open communication between the Town Council and the rest of the community would be effective in addressing the problem. He said, "I need to guarantee that I am going to have policing in the Town of Guadalupe, The mayor and the council are those responsible parties as elected by the community." His concern was that a viable alternative could not be found in 180 days and when that period ends there is no contract and no law enforcement. He asked the Board not to put the town in that situation. Supervisor Stapley felt that if it can't be fixed in 6 months it won't be fixed in a year and the situation had to be moved forward as positively as possible.

David Lanyard, attorney for the Town of Guadalupe for nearly 20 years, said he has worked directly with the Sheriff's Office during that time. He acknowledged there had been issues in the past with the Sheriff and also with deputies, but as a whole he did not feel the community had any major problem with the Sheriff's Office. He said this whole issue is the result of one incident where the Sheriff had "an intensified enforcement effort." The town is asking for a continuance of the IGA, which clearly provides the Sheriff the sole discretion of providing intensified policing he believes necessary, and

that he can certainly expect to do that. No one is challenging that, and the Council, as a whole, has never challenged that. However, that does not take away a public official's right to question how a contract is serviced, to have concerns and want to be able to express those concerns. He asked the Board to be aware that if the Sheriff is unhappy with a particular official in a town and then takes unilateral action to send out a notice of cancellation, what message that sends to other towns in the County, especially if that message includes the possibility of having their contract cancelled if they raise questions. He also felt this could be resolved in a shorter period of time and a set, six-month deadline could work against that. He suggested taking no action today and to "set this off for 60 days with the understanding that it will come back" after meetings with all parties represented have been held. He felt resolution could be accomplished in 60 days to continue the contract or to terminate it. He said that some "lower level discussions" had been held earlier and no other policing agency has been eager to take on this contract. With regards to the town's budget, should they have to ultimately form their own 24/7 police force, with all the compulsory costs, the town cannot afford to do that at this time and would need a phase-in period of up to two-years. He suggested a public forum could be held with townspeople and the Sheriff's representatives to resolve any issues in that sector. He believed it very probable that a 60-day period of meetings would bring resolution. He reiterated that this is not broken and it can be fixed.

As a final point, he said the town is paying the County \$1.3 million a year for the policing services provided in the IGA and they've always paid for these services. He added that the town passed the cost increase, as presented, this past summer. He suggested that in tight budget times this should be considered. He reiterated his request for more time, adding he also did not want it put off forever but feared setting a six-month deadline could drag it out for that length of time instead of a shorter resolution.

Supervisor Stapley said he would be willing to support the 60 days but only if the Sheriff would agree, and he understands from Ms. Barkell that he's not in agreement at this point.

Supervisor Wilcox referred to the three-part agreement and said at this point the Board is saying "can we mediate and if we can't then we will honor the request." She felt that to give the two months is logical and if it doesn't work out then the town realizes the Board must act. She said the County signed a contract and "it is only a political disagreement that called for this contract now to be cancelled on one side." She added the town has a good track record of paying on time. She indicated that they've paid a lot of money for a town that size and it's the Board's responsibility, as being a third party in this agreement, to consider their request.

Supervisor Wilcox put forth a motion to continue this for 60 days, pledge to work with the town and the Sheriff's Office to see if there is an agreement and if there's not, this issue comes back. She felt that if Guadalupe does not have law enforcement it will spill over into Tempe, into Mesa, into Chandler, and it could create a public safety issue. She added, we don't have to do that, there's a way out of this. She asked for a second to this motion.

Supervisor Brock addressed this motion, asking if there would be a way to implement the 60-day dialogue period but at the same time retain the 180-day termination if the Sheriff and the city can't work out an understanding.

Chairman Wilson said in his experience in negotiations a time element is a good thing. "If we only had four weeks to decide on something immediate action would take place. I think the longer you give this problem the worse it gets."

Supervisor Brock said he understood that surrounding cities have received no paperwork and that this has not been addressed by the Mayor and his Town Council. He believed it would be a compromise if this was continued for 60 days, retaining the 180 day termination. He said he would be happy to second the motion if the maker of the motion could figure a way to do that.

Supervisor Wilcox said, "The motion would be to continue this item for 60 days and during that period have mediation going on and if mediation does not work this comes before us as an automatic termination." Supervisor Brock said "120 days later?" To which she agreed and he seconded the motion.

Supervisor Stapley questioned the automatic termination aspect of the motion.

Supervisor Wilcox said "what it would do is it would give us the 60 but if there's no agreement then we would kick in the termination. So basically what you would do is say '60 days of mediation, if no agreement comes forward at the end of 60 days, or no good faith effort is working then we would kick in the termination and would have to be 180 days at that point because of the legal remedies. That way we'd be on record as saying we are supporting the termination if we can't work it out."

Supervisor Stapley reminded everyone that "we were here 30 days ago and we said the same thing."

Supervisor Wilcox, "But we had a change of leadership."

Supervisor Stapley said I recognize that and I understand that and I am confident that we can solve this problem if the Sheriff is willing. He said there are really two parties to this agreement, the Town and the Sheriff. We are a third party only because we look at the financial aspects of this. That's the statutory way this is structured. We're not really a party, we don't provide the service, the Sheriff's Office does, but they can't do it unless we approve it as the purse strings of the County and those responsible for the budget. That's the way the relationship is supposed to work and the Sheriff's representatives are here today with instructions to terminate this contract. It is such a long period of time, just to continue to put it off, there hasn't been any progress in the last 30 days that we've known this existed.

Supervisor Wilcox said there had been some progress. "The new administration and the new mayor got elected last Monday. The last administration, during that 30 days, through their City Manager did reach out, did talk to people, they heard very clearly that there are no other recourses, everyone is in the middle of a budget year. If we gave it more time, people could look at their next budget year and Guadalupe would have the opportunity of really reaching out. The town of Maricopa that started their own police department has talked to them trying to see if it is even feasible. The old leadership was doing something. We have new leadership now who is asking us for help. You say we're just involved in the fiscal but I don't believe that. You cannot leave a town bereft of services for public safety because of a political argument. Put it aside and let's work together."

Supervisor Brock said that may have been a motion and if it is I'd like to second that motion.

Chairman Wilson asked if that had been a motion.

Supervisor Wilcox said yes it is, a motion for a 60-day period of mediation and consideration of termination at the end of 60 days if it cannot be resolved.

Supervisor Brock asked "if the motion asks the Board to continue this for 60 days or do we go into a period of intense dialogue for the next 60 days in the termination period - can you clarify that?"

Supervisor Wilcox said, "I don't think legally we can commence termination if we're going to have the mediation, well we can, but I think what Luke was saying, 'give us a chance to really work it out' and if you start termination immediately, I think that won't bring all the parties to the table. So, what I'm saying is 60 days of mediation and if it does not work we do termination. That's the motion."

Supervisor Brock, "And, again so that I can be clear, does that request that we recalendar this 60 days from today?"

Supervisor Wilcox, "Yes."

Brock, "I would second that."

Chairman Wilson, "We have a motion and a second, all those in favor say "aye." The vote tied with Supervisors Wilcox and Brock voting "aye" and Supervisors Stapley and Wilson voting "nay."

Motion was made by Supervisor Stapley to approve item 11 with the understanding that the Sheriff and the Town will be meeting immediately to continue negotiations regarding continuation of this contract for law enforcement services to see if they can reach an agreement on the issues that caused the notice of termination.

Supervisor Wilson asked if Supervisor Stapley would include in the motion a provision that if the Sheriff needed an additional 60 days to complete negotiations that would be accommodated.

Supervisor Stapley indicated that if the Sheriff requested a continuation after this action was approved that he would be amenable to that. However, he emphasized that it would need to be the Sheriff's willingness to do so. He felt that the Sheriff's representatives and the Sheriff's statements in the newspaper said he would be willing to reconsider this. He added, "I'm only moving forward on that basis."

Supervisor Wilson seconded the motion, which carried by majority vote, as outlined below.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilson  
Ayes: Stapley, Brock, Wilson  
Nays: Wilcox  
Absent: Kunasek

**12. HIGHWAY SAFETY CONTRACT WITH THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY AND ACCEPT GRANT FUNDS**

Approve the Highway Safety Contract between the Governor's Office of Highway Safety (GOHS) and the Maricopa County Sheriff's Office and acceptance of \$40,000 in grant funding for the purpose of purchasing a one-time addition to the fleet of one unmarked aggressive driver car. The Planned Project Period is May 1, 2008 through April 30, 2009. Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2008-09 not-to-exceed \$40,000. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore

expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

The Sheriff's Office FY 2008-09 indirect costs rate is 12.2%. The Grantor does not allow for indirect cost recovery. This is a capital purchase therefore there is no indirect costs associated with this grant (\$4,880). (C-50-07-560-3-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**13. DONATION TO SHERIFF'S M.A.S.H.**

Accept the \$400 donation to the Maricopa County Sheriff's Animal Safe Hospice (MASH) from Randy Hart. (C-50-09-019-M-00)

Chairman Wilson thanked Mr. Hart for his donation.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**14. DONATION REPORTS**

Accept the donation reports received from Sheriff's Department for August 2008. Donation reports are on file in the Clerk of the Board's Office. (C-06-09-104-D-00)

Supervisor Wilcox explained that some of these donations would go to fighting immigration and she could not support those.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilson  
Nays: Wilcox  
Absent: Kunasek

## **TRIAL COURTS**

**Juvenile Probation and Detention**

**15. AMENDMENT TO AGREEMENT WITH GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES, DIVISION FOR CHILDREN**

Approve Amendment No. 2 to an agreement between Governor's Office for Children, Youth and Families, Division for Children (Amendment No. 4, Sub-grantee Agreement #J1-CSG-07-7181-01Y2) and Maricopa County through the Juvenile Probation Department in the amount of \$158,251 (includes prior amendment of \$39,563 plus balance of Year 3 funding). This amendment is funded by a grant from Governor's Office for Children, Youth and Families, Division for Children, Amendment No. 4, Sub-grantee Agreement #J1-CSG-07-7181-01Y2. The purpose of this amendment is to extend date of grant and increase funding. This amendment is effective from July 1, 2008, to June 30, 2009. All other terms and conditions of this agreement remain in full force and effect. The 2009 Juvenile Probation indirect rate was 32.1% and the grantor capped the allowable indirect rate at 10% of grant funded direct program expenses. The total indirect costs are \$46,180, of which \$14,386 are allowable and \$31,794 are unallowable.

The Justice Involved Youth With Children (JIYWC)/Helping Others with Parenting Education (HOPE) Program offers pregnant and parenting teens the opportunity to participate in parenting and life skills training within each detention facility – Durango and SEF, as well as at community centers. Parenting Case Managers at each location are responsible for participant recruitment, facilitation of programming (by community partners and/or by the Case Managers themselves) and case management/aftercare services. Baby Camps for young mothers and young fathers are held in the spring and fall, to allow pregnant and parenting teens an opportunity to spend a weekend attending workshops designed to increase parenting skills, self-esteem and life skills – while interacting with their children and peers. Transportation, food and program expenses are provided as part of the program. This grant extension will provide continued funding for three Youth Parenting Case Manager positions, ongoing training for staff and program partners, and collaboration with partners to provide additional services for youth such as programming and the Baby Camps for Young Fathers/Mothers. This extension offers twelve-months time extension and twelve months (includes amendment 2 time and financial agreements) for program expenses. The Justice Involved Youth With Children (JIYWC)/Helping Others with Parenting Education (HOPE) Program offers pregnant and parenting teens the opportunity to participate in parenting and life skills training within each detention facility – Durango and SEF, as well as at community centers. Parenting Case Managers at each location are responsible for participant recruitment, facilitation of programming (by community partners and/or by the Case Managers themselves) and case management/aftercare services. Baby Camps for young mothers and young fathers are held in the spring and fall, to allow pregnant and parenting teens an opportunity to spend a weekend attending workshops designed to increase parenting skills, self-esteem and life skills – while interacting with their children and peers. Transportation, food and program expenses are provided as part of the program. (C-27-08-008-3-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **COUNTY MANAGER**

### **Crime Prevention - Meth Program**

#### **16. TERMINATION OF IGA WITH CITY OF PHOENIX HUMAN SERVICES DEPARTMENT FOR THE YOUNG FIRST OFFENDER PROGRAM**

Approve termination of Intergovernmental Agreement with City of Phoenix Human Services Department for the Young First Offender Program. This termination is mutually agreed upon between both parties and was effective June 30, 2008. (C-42-08-011-2-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **DEPUTY COUNTY MANAGER**

### **Correctional Health**

#### **17. WAIVER TO COMPENSATION PLAN VI.A SALARY ADVANCEMENT**

Approve a waiver to the Maricopa County Compensation Plan Section VI.A. Salary Advancement to allow a salary advancement to be effective retroactively to April 25, 2008, for Dr. Sudha Rao, MD, in Correctional Health Services (CHS), to correct an earlier erroneous placement of Dr. Rao in a lower than appropriate pay grade. The cost associated with the approval of this retroactive salary advancement request is \$1,302.32 and will be fully funded within the department's current budget this fiscal year and subsequent years. (C-26-09-002-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **Health Care Programs**

#### **18. CONTRACT RENEWAL WITH MEDPRO**

Approve an Amendment to C-39-05-033-1-02, a Contract between MEDPRO and Maricopa County through the Office of Management and Budget in the not-to-exceed amount of \$1,100,000. The purpose of this amendment is to retroactively approve an extension of this contract from July 1, 2007 through June 30, 2008, and extend this contract for an additional year from July 1, 2008 through June 30, 2009, pursuant to Section 2. This contract is for professional medical services, as authorized by Health Care Programs and Correctional Health Services. The amendment will provide for continued professional services to be provided at the public health department's clinic and other correctional health, mental health, juvenile detention facilities, and other related physician with the agreement of the MedPro and the Deputy Budget Director in an amount not to exceed \$1,100,000. This amendment is effective from July 1, 2007 to June 30, 2009; all other terms and conditions of the Contract remain in full force and effect. (C-39-05-033-1-03)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **Management and Budget**

#### **19. BUDGET MANAGEMENT CHANGE FOR THE EQUIPMENT SERVICES DEPARTMENT**

Per the Board approved Budgeting for Results Accountability Policy section D.14, approve a budget management change for the Equipment Services Department from "lump sum budgeting" to "selective line item budget review" beginning immediately through June 30, 2009. This action is necessary due to the fact that the Equipment Services Department exceeded their Board approved appropriation in FY 2007-08.

As of the final close for FY 2007-08, the Equipment Services Department has overspent their Equipment Services Fund (654) expenditure budget in the amount of \$54,879. In addition, the projected spending amounts provided by the department as required in the on-going maintenance of their budget was far less than the appropriated budget and actual expenditures. This indicates that the department needs to execute its budget in a more

fiscally responsible manner. Board approved Budgeting for Results Accountability Policy section D.14 states the following: "if a department exceeds its appropriated expenditure budget, the department's expenditures will be reviewed by the Office of Management and Budget to identify the cost of the overrun. The Office of Management and Budget will report its findings, along with a recommended corrective action plan, to the Board of Supervisors/Board of Directors. Corrective action plans may include (but will not be limited to) adopting appropriated budgets for that department at the level of program/activity and/or object of expenditure and a reduction of the department's appropriated budget in the subsequent fiscal year in an amount up to the amount of the overrun in the prior fiscal year. OMB's recommended corrective action plan is to place the Equipment Services Department on a selective line item budget review plan at both the program/activity and at selected object codes. OMB has met with Equipment Services staff to develop an action plan to carry out this recommendation. This will include monthly meetings to assess prior month actuals and forecasts as well as on-going monitoring of all expenditures. (C-49-09-020-6-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**20. AGREEMENT AND ACCEPT FUNDS FROM DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR HIV/AIDS SERVICES**

Approve the agreement and acceptance of grant funds from Department of Health and Human Services, Grant No. H3MHA08443-02-00, in the not-to-exceed amount of \$210,026. These grant funds are for services to minorities infected with or affected by HIV/AIDS. The grant award begins on August 1, 2008 and ends on July 31, 2009. Authorize the Chairman to sign all documents related to these grant funds, as applicable. \$178,522 is passed through to subrecipients and is not subject to indirect cost. The grant allows a 10% rate for indirect costs, or \$2,864 which may be incurred by the Health Care Programs or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has estimated the Health Care Programs' composite indirect cost rate at 10%. The recoverable indirect cost of administering this grant is \$2,864. Also, approve revenue and expenditure appropriation adjustments to the Health Care Programs (390) Public Health Grants Fund (532) associated with the grant in the amount of \$210,026 for FY 2009. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

Department of Health Care Programs receives funds from HRSA, under Part A of the Ryan White HIV/AIDS Treatment Modernization Act, to provide services to people infected with, or affected by HIV/AIDS. The grant provides contracts with HIV and AIDS service organizations which deliver/enhance health related and support services for HIV positive/affected persons. These services include, but are not limited to, case management, counseling, outpatient health services, food and nutrition services, legal services, transportation, and emergency financial assistance. Pursuant to federal statute, 85% of the grant funds must be passed through to sub-contractors. (C-49-09-021-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek



**MEETING RECESSED AND RECONVENED**

Chairman Wilson announced a five-minute recess following Item #20. Following the recess, the meeting reconvened with the following members present to consider item #21.

The Board of Supervisors of Maricopa County Arizona reconvened on Wednesday, September 17, 2008, in the Supervisors Auditorium with the following members present: Max Wilson, Acting Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2; Mary Rose Wilcox, District 5. Absent: Andrew Kunasek, Chairman, District 3. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager; and Victoria Mangiapane, Deputy County Attorney.

**21. INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR SMI SERVICES**

Approve an Intergovernmental Agreement (HG832130) between Arizona Department of Health Services and Maricopa County through the Office of Management and Budget, in the not-to-exceed amount of \$40,669,271. The purpose of this Intergovernmental Agreement is to extend the existing arrangement for the County's funding of behavioral health services for a term of one year. County funding for services to the seriously mentally ill (SMI) under this IGA will be \$35,812,685 for FY 2008-09. This increases the level of County funding based on medical inflation for services to the seriously mentally ill by \$1,705,366 over the funding paid under the previous IGA (C-45-08-001-0-00) in FY2007-08. The FY 2008-09 IGA also requires the County to fund non-SMI services in the amount of \$3,366,705 and substance abuse services in the amount of \$1,489,871 for the one-year term which is equal to the FY2007-08 level. The IGA will become effective upon Board approval until June 30, 2009. The IGA may be amended, further extended or terminated pursuant to the IGA provisions, including a 90-day termination without cause provision. Total County funding for behavioral health services in FY 2008-09 under the IGA will be \$40,669,271 for a one-year term. This Intergovernmental Agreement is effective from July 1, 2008 until June 30, 2009.

Pursuant to the judgment in *Arnold v Sarn* and the subsequent March 10, 1994 court order, the County is required to enter into an Intergovernmental Agreement (IGA) between Maricopa County and the Arizona Department of Health Services (ADHS) under which the County contributes funding for behavioral health services for seriously mentally ill (SMI) indigent residents of the County. The County also contributes funding for non-SMI services under the IGA in order to integrate the behavioral health system in Maricopa County. The IGA requires the County to adjust its SMI contribution annually. Through FY01, the adjustment was calculated by using a base amount established in the FY96 IGA, as adjusted in subsequent IGA's. Since FY01, the amount has been determined by multiplying the base amount each year by an inflation factor derived from the Bureau of Labor Statistics medical market basket cost index. (C-49-09-019-3-00)

The Clerk announced a correction to the IGA reference number. The maker and second of the motion revised their original motion to include the correction from HG832130 to HG832131.

Motion to approve including the correction given by the Clerk, by: Supervisor Stapley,  
Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**22. AMENDMENT TO IGA WITH ADHS FOR MENTAL HEALTH SERVICES TO REMANDED JUVENILES**

Approve Amendment No. 1 to Intergovernmental Agreement (HG832131) between the Arizona Department of Health Services (ADHS) and Maricopa County authorizing ADHS or its contracted Regional Behavioral Health Authority (RBHA) to provide mental health services to remanded juveniles (of a screening agency, an evaluation agency and mental health treatment agency) when evaluation is ordered by the Maricopa County Superior Court pursuant to Arizona Revised Statutes, (A.R.S.) Title 36, Chapter 5, Article 4 and treatment is ordered by the Superior Court pursuant to Arizona Revised Statutes, Title 36, Chapter 5, Article 5. The IGA authorizes ADHS or its RBHA to expend up to \$200,000 from the "Non-SMI" payment funds that the County already provides to ADHS pursuant to the IGA executed in connection with Arnold vs. Sarn for behavioral health services for FY 2008-09. This Amendment will become effective upon Board approval until June 30, 2009.

The Department of Health Care Mandates and ADHS, in conjunction with the Superior Court, previously negotiated to provide evaluation services for remanded juveniles using funds that are not part of the County's mandated obligations under Arnold v. Sarn. Funding for this IGA is capped at \$200,000 and is included in the \$3,366,705 "Non-SMI Payment" amount noted in the behavioral health services IGA between Maricopa County and ADHS for FY2008-09. Executing this IGA will not increase the County's cost for SMI and Non-SMI treatment under the agreement executed in connection with Arnold v. Sarn. (C-49-09-019-3-01)

The Clerk announced a correction to the IGA reference number. The maker and second of the motion revised their original motion to include the correction from HG832131 to HG832130.

Motion to approve including the correction given by the Clerk, by: Supervisor Stapley,  
Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**Public Health**

**23. AMENDMENT TO MOU WITH WASHINGTON ELEMENTARY SCHOOL DISTRICT FOR DENTAL SEALANT SERVICES**

Approve Amendment No. 1, to the Memorandum of Understanding (MOU) between the Washington Elementary School District and Maricopa County through its Department of Public Health, Office of Oral Health Dental Sealant Program for free dental sealant services for the students. Amendment No. 1 will be effective upon execution by the Board. The MOU period is from August 1, 2008 through July 31, 2009. All other terms and conditions of the original MOU shall remain in full force and effect. (C-86-08-023-M-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**24. AMENDMENT TO CONTRACT WITH ARIZONA BOARD OF REGENTS D.B.A. ARIZONA STATE UNIVERSITY FOR WELL WOMAN HEALTHCHECK SERVICES**

Approve Amendment No. 8 to Contract No. C-86-06-023-1 between the Arizona Board of Regents d.b.a. Arizona State University (ASU) and Maricopa County through its Department of Public Health to provide Well Woman Healthcheck services to uninsured or underinsured

women. This amendment increases the contract amount by \$40,000 for the not-to-exceed amount of \$140,000 for the budget period July 1, 2008 through June 30, 2009. This amendment also:

Revises 2.0 PAYMENT, 2.1 (page 1): "Any increases in the amount of the contract shall be accomplished through purchase orders."

Revises Section 2.0 Payment, 2.3: "Combined total of all subcontracts shall not surpass the not-to-exceed amount of the IGA between MCDPH and Arizona Department of Health Services (ADHS), No. HG761266 in the amount of \$610,388 for the Well Woman Healthcheck Program. This amount includes contractual costs not including direct screening and diagnostics. An additional \$75,000 for screening and diagnostic costs is provided by a grant from Susan G. Komen, C-86-08-069-3-00." All other terms and conditions of the original contract shall remain in full force and effect.

This agreement is a subcontract to IGA (HG761266) between Maricopa County through its Department of Public Health, and the Arizona Department of Health Services (ADHS) and does not increase the county general fund. Reimbursement to subcontractors is on a per enrollee basis at a rate established by ADHS. Additional funding is provided by a grant from the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation and does not increase the county general fund. This funding augments Well Woman Healthcheck services and provides additional funds for diagnostic and treatment services. Arizona Board of Regents d.b.a. Arizona State University was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on July 1, 2005 (PH ROQ 05-010). C-86-06-023-1-08)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**25. AMENDMENT TO CONTRACT WITH CLINICA ADELANTE, INC. FOR WELL WOMAN HEALTHCHECK SERVICES**

Approve Amendment No. 6 to Contract No. C-86-06-018-1 between Clinica Adelante, Inc. and Maricopa County through its Department of Public Health to provide Well Woman Healthcheck services to uninsured or underinsured women. This amendment increases the contract by \$20,000 for a not-to-exceed amount of \$40,000 for the budget period July 1, 2008 through June 30, 2009. This amendment also:

- Revises 2.0 PAYMENT, 2.1 (page 1): "Any increases in the amount of the contract shall be accomplished through purchase orders."

- Revises Section 2.0 PAYMENT, 2.3: "Combined total of all subcontracts shall not surpass the not to exceed amount of the IGA between MCDPH and Arizona Department of Health Services (ADHS), No. HG761266 in the amount of \$610,388 for the Well Woman Healthcheck Program. This amount includes contractual costs not including direct screening and diagnostics. An additional \$75,000 for screening and diagnostic costs is provided by a grant from Susan G. Komen, C-86-08-069-3-00." All other terms and conditions of the original contract shall remain in full force and effect.

This agreement is a subcontract to IGA (HG761266) between Maricopa County through its Department of Public Health, and the Arizona Department of Health Services (ADHS) and does not increase the county general fund. Reimbursement to subcontractors is on a per enrollee basis at a rate established by ADHS. Additional funding is provided by a grant from

the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation and does not increase the county general fund. This funding augments Well Woman Healthcheck services and provides additional funds for diagnostic and treatment services. Clinica Adelante, Inc. was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on July 1, 2005 (PH ROQ 05-010). (C-86-06-018-1-08)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**26. AMENDMENT TO CONTRACT WITH CATHOLIC HEALTHCARE WEST D.B.A. ST. JOSEPH'S HOSPITAL FOR WELL WOMAN HEALTHCHECK SERVICES**

Approve Amendment No. 8 to Contract No. C-86-06-028-1 between Catholic Healthcare West d.b.a. St. Joseph's Hospital and Medical Center and Maricopa County through its Department of Public Health to provide Well Woman Healthcheck services to uninsured or underinsured women. This amendment increases the contract by \$40,000 for a not-to-exceed amount of \$100,000 for the budget period July 1, 2008 through June 30, 2009. This amendment also:

- Revises 2.0 PAYMENT, 2.1 (page 1): "Any increases in the amount of the contract shall be accomplished through purchase orders."
- Revises Section 2.0 PAYMENT, 2.3: "Combined total of all subcontracts shall not surpass the not to exceed amount of the IGA between MCDPH and Arizona Department of Health Services (ADHS), No. HG761266 in the amount of \$610,388 for the Well Woman Healthcheck Program. This amount includes contractual costs not including direct screening and diagnostics. An additional \$75,000 for screening and diagnostic costs is provided by a grant from Susan G. Komen, C-86-08-069-3-00." All other terms and conditions of the original contract shall remain in full force and effect.

This agreement is a subcontract to IGA (HG761266) between Maricopa County through its Department of Public Health, and the Arizona Department of Health Services (ADHS) and does not increase the county general fund. Reimbursement to subcontractors is on a per enrollee basis at a rate established by ADHS. Additional funding is provided by a grant from the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation and does not increase the county general fund. This funding augments Well Woman Healthcheck services and provides additional funds for diagnostic and treatment services. Catholic Healthcare West d.b.a. St. Joseph's Hospital and Medical Center was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on July 1, 2005 (PH ROQ 05-010). (C-86-06-028-1-08)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**27. AMENDMENT TO CONTRACT WITH MOUNTAIN PARK HEALTH CENTER, INC. FOR WELL WOMAN HEALTHCHECK SERVICES**

Approve Amendment No.12 to Contract No. C-86-07-004-1 between Mountain Park Health Center, Inc. and Maricopa County through its Department of Public Health (MCDPH) to provide Well Woman Healthcheck services. This amendment increases the contract by \$72,000 for a not-to-exceed amount of \$120,000 for budget period July 1, 2008 through

June 30, 2009. This amendment also does the following:

- 2.0 Payment, 2.1 (page 1) of the original contract (C-86-07-004-1) shall be deleted and replaced with “the amount of the contract amendment shall not exceed \$120,000. Any increase in the amount of the contract shall be accomplished through purchase orders issued by the County.
- Revises Section 2.0 Payment, 2.3: “Combined total of all subcontracts shall not surpass the not to exceed amount of the IGA between MCDPH and Arizona Department of Health Services (ADHS), No. HG761266 in the amount of \$610,388 for the Well Woman Healthcheck Program. This amount includes contractual costs not including direct screening and diagnostics. An additional \$75,000 for screening and diagnostic costs is provided by a grant from Susan G. Komen, C-86-08-069-3-00.” All other terms and conditions of the original contract shall remain in full force and effect.

This agreement is a subcontract to IGA (HG761266) between Maricopa County through its Department of Public Health, and ADHS and does not increase the county general fund. Reimbursement to subcontractors is on a per enrollee basis at a rate established by ADHS. Additional funding is provided by a grant from the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation and does not increase the county general fund. This funding augments Well Woman Healthcheck services and provides additional funds for diagnostic and treatment services. Mountain Park Health Center, Inc. was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on July 1, 2005 (PH ROQ 05-010). (C-86-07-004-1-09)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**28. AMENDMENT TO MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT D.B.A. MARICOPA INTEGRATED HEALTH SYSTEM FOR WELL WOMAN HEALTHCHECK SERVICES**

Approve Amendment No. 3 to Intergovernmental Agreement (IGA) No. C-86-08-044-2 between Maricopa County Special Health Care District, d.b.a. Maricopa Integrated Health System (MIHS) and Maricopa County through its Department of Public Health, to provide Well Woman Healthcheck services to uninsured or underinsured women. This amendment increases the contract by \$25,000 for a not-to-exceed amount of \$155,000 for the budget period ending July 1, 2008 through June 30, 2009. This amendment also:

- Revises 2.0 Payment, 2.1 (page 1) of the original contract (C-86-08-044-2) shall be deleted and replaced with “the amount of the contract amendment shall not exceed \$155,000. Any increase in the amount of the contract shall be accomplished through purchase orders issued by the County.
- Revises Section 2.0 PAYMENT, 2.3: “Combined total of all subcontracts shall not surpass the not-to-exceed amount of the IGA between MCDPH and Arizona Department of Health Services (ADHS), No. HG761266 in the amount of \$610,388 for the Well Woman Healthcheck Program. This amount includes contractual costs not including direct screening and diagnostics. An additional \$75,000 for screening and diagnostic costs is provided by a grant from Susan G. Komen, C-86-08-069-3-00.” All other terms and conditions of the original IGA shall remain in full force and effect.

This agreement is a subcontract to IGA (HG761266) between Maricopa County through its Department of Public Health, and the Arizona Department of Health Services (ADHS) and does not increase the county general fund. Reimbursement to subcontractors is on a per enrollee basis at a rate established by ADHS. Additional funding is provided by a grant from the Phoenix Affiliate of the Susan G. Komen Breast Cancer Foundation and does not increase the county general fund. This funding augments Well Woman Healthcheck services and provides additional funds for diagnostic and treatment services. MIHS was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on July 1, 2005 (PH ROQ 05-010). (C-86-08-044-2-04)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**29. AGREEMENT WITH SALT RIVER PIMA - MARICOPA INDIAN COMMUNITY FOR STRATEGIC NATIONAL STOCKPILE ASSETS**

Approve the non-financial Agreement between Salt River Pima – Maricopa Indian Community (Salt River) and Maricopa County through its Department of Public Health's Emergency Management Program (PHEM) to provide Strategic National Stockpile (SNS) assets to Salt River in the case of a public health emergency. The term of this agreement shall begin upon Board approval and shall be in effect until terminated by either party. (C-86-09-026-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**30. AGREEMENT WITH ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)**

Approve an Agreement between Arizona Health Care Cost Containment System (AHCCCS) and Maricopa County through its Department of Public Health, for the purpose of allowing Healthcare for the Homeless to participate as a provider in a new web based health information exchange. This Agreement is non-financial and is effective from the date of Board of Supervisors approval and will be in effect until terminated by either party. (C-86-09-025-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION**

**Animal Care & Control Services**

**31. DONATION**

Accept the monetary donation from the **Southeast Regional Association of Realtors** of Mesa, AZ in the amount of \$1,000 for the care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the

Board pursuant to A.R.S. §42-17105. (C-79-09-017-D-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**32. AGREEMENT WITH GERMAN SHORTHAIR POINTER RESCUE FOR NEW HOPE PROGRAM**

Approve an Agreement between Tara Brooksby, d.b.a. German Shorthair Pointer Rescue of AZ, 1182 W. Maplewood Court, Chandler, AZ 85286, and Maricopa County to allow German Shorthair Pointer Rescue of AZ under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 42 new hope rescues over the term of the agreement, for a total of \$1,680. The term of this Agreement is from September 3, 2008 through June 30, 2011. (C-79-09-018-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**33. AGREEMENT WITH MAYDAY PIT BULL RESCUE FOR NEW HOPE PROGRAM**

Approve an Agreement between Jennifer Mazzocchi, d.b.a. Mayday Pit Bull Rescue and Advocacy, 1208 E. Marco Polo Road, Phoenix, AZ 85024, and Maricopa County to allow Mayday Pit Bull Rescue and Advocacy under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 10 new hope rescues over the term of the agreement, for a total of \$400. The term of this Agreement is from September 3, 2008 through June 30, 2009. (C-79-09-019-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**34. UNO POR UNO - RABIES VACCINATIONS**

Waive the differential rabies vaccination fee of \$20 for the Uno por Uno rabies vaccination clinics that will be held each week on a continued basis as part of the Maricopa County Animal Care and Control services. The Uno por Uno program estimates 10,000 vaccinations will be administered annually. The cost of the rabies vaccinations will be paid through general donations received already in Fund (573) fund balance. Each vaccination clinic is estimated to cost \$3,500. The ability to waive the differential rabies vaccination fee will become effective October 1, 2008 through September 30, 2009. Per A.R.S. §42-17106(b), approve the increase of expenditure authority in the amount of \$150,000 in FY 2008-09 Animal Care and Control (790) Animal Care and Control Donations Fund (573) Non-recurring (0001). This amount will use fund balance to fund the costs associated with each vaccination for the remainder of the fiscal year. (C-79-09-020-M-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **Human Services**

### **35. AMENDMENT TO LEATHERS, MILLIGAN AND ASSOCIATES CONTRACT**

Approve Amendment No. 4 to a Contract between Leathers, Milligan and Associates, Inc. and Maricopa County through the Human Services Department in the not-to-exceed amount of \$50,000. The purpose of this amendment is to increase the dollar amount by \$50,000 for a total not-to-exceed contract dollar amount of \$150,000. This amendment is effective from September 17, 2008 to June 30, 2009. All other terms and conditions of the Contract remain in full force and effect. (C-22-05-151-1-04)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **36. AMENDMENT TO IGA WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY**

Approve Amendment No. 2 to an Intergovernmental Agreement between Arizona Department of Economic Security (8) and Maricopa County through the Human Services Department. The purpose of this amendment is to rescind local WIA funds in the amount of (\$2,043,187.00). This decrease in funding is the result of a rescission of funds at the federal and state level. (C-22-09-008-3-02)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **37. AMENDMENT TO CONTRACT WITH PIMA PREVENTION PARTNERSHIP**

Approve Amendment No. 1 to a Contract between Pima Prevention Partnership and Maricopa County through the Human Services Department in the not-to-exceed amount of \$336,000. This amendment is funded by a grant from U.S. Department of Health and Human Services (C-22-09-001-3-ZZ). The purpose of this amendment is to exercise its first amendment of the four one-year renewal options. This amendment is effective from September 30, 2008 to September 29, 2009. All other terms and conditions of the Contract remain in full force and effect. (C-22-08-129-1-01)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **38. ADMINISTRATIVE CORRECTION TO MOU WITH VALLEY CHRISTIAN CENTER, INC.**

Approve an administrative correction to the action taken by the Board on August 20, 2008, regarding the Memorandum of Understanding between Valley Christian Center, Inc. and Maricopa County through the Human Services Department. This administrative correction clarifies that the effective date of the MOU is from August 6, 2008 until August 31, 2009. All other terms and conditions of the Memorandum of Understanding remain in full force and effect. (C-22-09-093-3-01)



Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**39. IGA WITH SCOTTSDALE UNIFIED SCHOOL DISTRICT FOR HEAD START FOOD SERVICES**

Approve an Intergovernmental Agreement between Scottsdale Unified School District and Maricopa County through the Human Services Department, in the not-to-exceed amount of \$34,073. This Intergovernmental Agreement is funded by a grant from The U.S. Department of Health and Human Services, (C-22-09-001-3-ZZ). The purpose of this Intergovernmental Agreement is to provide food catering to participants in Maricopa County Head Start Zero-Five Program. This Intergovernmental Agreement is effective from October 1, 2008 until September 30, 2009. (C-22-09-099-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**CHIEF FINANCIAL OFFICER**

**Finance**

**40. FUNDS TRANSFERS; WARRANTS**

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**41. INDUSTRIAL DEVELOPMENT AUTHORITY FOR THE ISSUANCE OF ITS VARIABLE RATE DEMAND SOLID WASTE DISPOSAL REVENUE BONDS (AMBIAN DAIRY LLC PROJECT) SERIES 2008**

Adopt a Resolution approving the proceedings of The Industrial Development Authority of the County of Maricopa, Arizona for the issuance of its Variable Rate Demand Solid Waste Disposal Revenue Bonds (Ambian Dairy LLC Project) Series 2008, to be issued in one or more series in an amount not-to- exceed \$5,000,000 aggregate principal amount. This item is being considering by the Board of Supervisors solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board of Supervisors approve the proceedings under which bonds of The Industrial Development Authority of the County of Maricopa are issued. (C-18-09-014-4-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**42. TRANSFER OF EXPENDITURE AUTHORITY FOR CHANDLER INTERIM EMERGENCY SERVICES**

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$40,281 from FY 2008-09 Non-Departmental (470) General Fund (100) Contingency (4711) Non-Recurring (0001) to a new line item in Non-Departmental (470) General Fund (100) Other Programs (4712) Non-recurring (0001) entitled "Chandler Interim Emergency Services." This action authorizes the transfer of contingency funds to pay the City of Chandler in accordance with the intergovernmental agreement between Maricopa County and the City of Chandler for the Provision of Interim Emergency Services within County Islands approved by the Board of Supervisors on August 22, 2007 (C-20-08-023-2-00) in the amount of \$40,280.90. (C-18-09-015-2-00)

Supervisor Brock referenced the County Island Fire District being formed in lands adjacent to the City of Chandler and thanked the city officials for being gracious enough to honor the emergency calls they receive from residents living on a County Island.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**43. CAPITAL LEASE DOCUMENTS FOR FINANCING OF THE OFFICE OF MEDICAL EXAMINER MASS SPECTROMETER LABORATORY EQUIPMENT**

Approve and authorize the Chairman to execute all capital lease documents required for the financing of the Office of Medical Examiner mass spectrometer laboratory equipment in an amount not-to-exceed \$195,000 (principal). Authorize appropriate departmental representatives to sign lease documents. All capital lease documents are subject to County Counsel approval. The Department of Finance will facilitate the eight-year reimbursement capital lease. The Office of the Medical Examiner will be expending funds for the capital equipment and will be reimbursed from the proceeds of the capital lease. Estimated total capital lease payments, with an approximate 5.00% (estimated) interest rate for the maximum principal amount financed of \$195,000, equates to yearly debt service payments of approximately \$29,625 (principal and interest); monthly capital lease payments will be approximately \$2,469 (principal and interest). The funds are budgeted. (C-18-09-017-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**44. RESOLUTION AUTHORIZING LINE OF CREDIT AGREEMENT WITH WELLS FARGO BANK FOR COUNTY ISLAND FIRE DISTRICTS**

Adopt a Resolution and approve the Revolving Line of Credit Agreement with Wells Fargo Bank for county island fire districts. Also, approve the Revolving Lines of Credit Notes for the Gilbert County Island Fire District and the Tempe County Island Fire District.

Pursuant to A.R.S. 11-604.01, the Board of Supervisors may enter into agreements with a financial institution authorized to do business in this state for the purpose of obtaining a separate and distinct revolving line of credit for the County and each individual political subdivision of the County for the current fiscal year to pay the lawful claims and obligations

of that political subdivision until sufficient monies for payment from property taxes and other non restricted revenues are received by the Treasurer. The Gilbert and Tempe County island fire districts have been duly created and have assessed taxes for the 2008-09 tax year. The proposed lines of credit will enable these districts to meet their financial obligations and operate until such time as monies are received from property taxes. (C-18-09-016-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**45. RESCIND ACCEPTANCE OF THE BID SUBMITTED BY CRM OF AMERICA HOLDINGS, LLC**

Rescind the portion of Board action on May 21, 2008 (C-18-08-050-B-00), that authorized the acceptance of the highest bid of \$555,000 submitted by CRM of America Holdings, LLC, for Parcel No. 1 and authorize the Chairman to execute any necessary documents to cancel or terminate the escrow for Parcel No. 1. This parcel is located at the southeast corner of 331st Avenue and Salome Highway, west of the Hassayampa Solid Waste Transfer Station and was declared as surplus property and authorized to sell on December 19, 2007 (C-18-08-034-B-00). The parcel was sold by public sealed bid auction on May 5, 2008 to CRM OF AMERICA HOLDINGS, LLC "the purchaser" but has now informed Maricopa County that it will not be executing a purchase agreement or closing escrow for Parcel No. 1. This action will rescind only that portion of agenda C-18-08-050-B-00 pertaining to Parcel No. 1. (C-18-08-050-B-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**46. MARICOPA COUNTY POLICY FOR PREPAID EXPENSES (POLICY A2511)**

Adopt a Maricopa County policy for Prepaid Expenses (Policy A2511). The Prepaid Expense Policy will provide guidelines for the establishment, appropriate usage, and reporting of prepaid expenses for goods and services, as defined in the policy. (C-18-09-018-6-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**47. DECLARATION OF OFFICIAL INTENT FOR THE REGIONAL DEVELOPMENT SERVICE AGENCY BUILDING**

Approve and authorize the Chairman to sign the attached Declaration of Official Intent for the Regional Development Service Agency (RDSA) for the construction of a new public service building. The Declaration of Intent is for a maximum reimbursement amount of \$75,000,000. The declaration will allow the County to reimburse capital expenditures should the County decide to issue tax exempt borrowing to fund this project. Authorize the County to establish a new capital project fund (Fund 442 – Financing Series 2009) for the purpose of constructing the RDSA building. When and if the bond proceeds have been received, Fund (442) - Financing Series 2009 expenditures will be reimbursed. Also, authorize the County to establish a new debt service fund (Fund 322 – County Improvement Debt 3) for debt service applicable to the proposed bond issue, if approved by the Board of Supervisors. (C-18-09-023-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **Parks and Recreation**

### **48. AMEND THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM FOR THE VISITOR CENTER AND AMPHITHEATER PROJECT**

Pursuant to A.R.S. §42-17106(b), approve the transfer of revenue and expenditure authority in the amount of \$90,000 from FY 2008-09 Non-Departmental (470) Non-Departmental Grants Fund (249) Non-recurring (0001) to Parks and Recreation (300) Parks and Recreation Enhancement Fund (241) Non-Recurring (0001). Authorize and approve a fund transfer for the Visitors Center and Amphitheaters (VAMP) project from Parks and Recreation Enhancement Fund (241) to the Intergovernmental Capital Project Fund (422) in the amount of \$90,000. This action moves the funding in the amount of \$90,000 from Fund (241) to the Intergovernmental Capital Project Fund (422). This increases the total project budget for the Visitor Centers and Amphitheaters project from \$7,286,718 to \$7,376,718. Also, amend the FY 2008-09 Five-Year Capital Improvement Program in the Non-Departmental General Fund (470) Intergovernmental Capital Project Fund (422), creating a line item entitled "Visitor Centers and Amphitheaters (VAMP)" and increase the project revenue and expenditure budget by \$90,000 in Year 1 (FY 2008-09) to \$ 90,000. This requires a decrease of expenditure authority in the amount of \$90,000 from Non-Departmental (470) Non-Departmental Grants Fund (249) Non-recurring (0001) and increasing Non-Departmental General Fund (470) Intergovernmental Capital Projects Fund (422) line item "Visitor Centers and Amphitheaters" in the amount of \$90,000. This adjustment will require offsetting revenue and expenditure adjustments to Elimination Department (980), Eliminations Fund (900) in the amount of \$90,000. The net impact to the overall county budget is zero. (C-30-09-008-2-00)

Supervisor Wilcox said this item highlights issues brought about by the economic crisis being experienced locally and nationally and asked that the Board receive an update on the County's financial standing by the Chief Financial Officer in the near future.

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **Risk Management**

### **49. IRREVOCABLE STANDBY LETTER OF CREDIT WITH BANK OF AMERICA FY 2009**

Approve and authorize Maricopa County Treasurer to execute an Irrevocable Standby Letter of Credit with Bank of America. The amount of the Letter of Credit is to be \$4,177,256, with the Industrial Commission of Arizona as beneficiary.

The original Irrevocable Standby Letter with Chase/Bank One, Arizona was approved by the Board of Supervisors July 24, 2002, agenda number C-75-03-001-1-00. Subsequently, each year the Board of Supervisors has approved the amendments as the projected liability amounts changed. The projected liability for workers compensation claims for FY 2007-08 was \$5,870,994. The projected liability for workers compensation claims for FY 2008-09 is \$4,177,256. This shows a decrease due to a proactive risk management and safety program for the County. The Letter of Credit will service as security for the County's projected liability for workers compensation claims for FY 2008-09. The Letter of Credit will be secured by the

County's existing \$35 million Line of Credit with Bank of America effective July 1, 2008. The Line of Credit will be restricted by the amount of the Letter of Credit. The cost of the Letter of Credit for FY 2008-09 is projected to be approximately \$20,000, not to exceed \$25,000, which has been budgeted in FY 2008-09. It is not expected that there will be reason for the Letter of Credit to be drawn on; however the Industrial Commission of Arizona requires the negotiable security. (C-75-09-006-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES**

### **Air Quality Department**

#### **50. ADMINISTRATIVE CORRECTION REGARDING IGA WITH RPTA**

Approve an Administrative Correction to the action taken on August 6, 2008 (C-85-07-003-1-03) regarding the approval of Amendment No. 3 to the Intergovernmental Agreement (IGA) between Regional Public Transportation Authority (RPTA) and Maricopa County through the Air Quality Department, Trip Reduction Program. This correction will authorize the execution of a new IGA with RPTA in an amount not-to-exceed \$400,000 for the period of July 1, 2008 through June 30, 2009. The purpose of this IGA is to contract for services and is funded by a grant from Arizona Department of Environmental Quality (ADEQ) (C-85-06-028-3-02). (C-85-09-001-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **Environmental Services**

#### **51. MARICOPA COUNTY ENVIRONMENTAL SERVICES V. ROSE VALLEY WATER COMPANY SETTLEMENT**

Approve the Settlement in the amount of \$60,000 between Maricopa County and Plaintiff(s), in Maricopa County Environmental Services v. Rose Valley Water Company Settlement, concerning Superior court No.C-88-09-002-S-00. Authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This item was discussed in Executive Session on June 16, 2008. (C-88-09-003-S-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **ASSISTANT COUNTY MANAGER - PUBLIC WORKS**

### **Facilities Management**

**52. ADDITION TO 5-YR CIP AND PUBLIC NOTICE FOR ARCHITECT SERVICES FOR REGIONAL DEVELOPMENT SERVICES AGENCIES BUILDING**

Approve a new project in the Financing Series 2009 Fund (442) titled "RDSA Building", Function class "RDSA." Also, in accordance with A.R.S. Section 42-17106 (B), authorize the following amendment to the FY 2008-09 Five-Year Capital Improvement Plan:

(1) Increase the Financing Series 2009 Fund (442) Revenue and Expenditure budget in the amount of \$75,000,000 to add the project "Maricopa County Regional Development Services Agency Office Building" (Function Class - RDSA). The yearly expense is estimated to be: (Year 1 \$2,000,000, Year 2 \$30,000,000, Year 3 \$43,000,000). Expenditures of debt proceeds of long-term debt obligations are excluded from the County constitutional expenditure limitation. This budget adjustment therefore does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant according to A.R.S. § 42-17105.

(2) Approve the advertisement of a Public Notice for architectural services for the project. Request for approval of the award of the contract to the selected architectural firm will be presented at a later date. The facility will be located in District 5. The 200,000 sq. ft. multi-story facility for the Regional Development Services Agencies (RDSA) will include office space, public space, integrated parking and surface parking for Planning and Development, Air Quality and Environmental Services. The facility will be located on County-owned property known as Parcel #112-19-127. The budget for the project is \$75 Million including design, construction, project management, furniture, fixtures and equipment. This project is recommended by the Facilities Review Committee. (C-70-09-011-5-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**53. PUBLIC NOTICE AND AWARD OF CONTRACT FOR CMR SERVICES FOR REGIONAL DEVELOPMENT SERVICES AGENCIES**

Approve the advertisement of a Public Notice for construction manager at risk (CMR) services for the new 200,000 sq. ft. multi-story project for the Regional Development Services Agencies. Request for approval of the award of the contract to the selected CMR firm will be presented at a later date. The facility will be located in District 5.

The 200,000 sq. ft. multi-story facility for the Regional Development Services Agencies will include office space, public space, integrated parking and surface parking for Planning and Development, Air Quality and Environmental Services. The facility will be located on County-owned property known as Parcel #112-19-127. The budget for the project is \$75 Million including design, construction, project management, furniture, fixtures and equipment. The project is recommended by the Facilities Review Committee. (C-70-09-012-5-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**Public Works**

**54. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-09-108-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**55. IGA FOR IMPROVEMENTS TO GAVILAN PEAK PARKWAY**

Approve the Intergovernmental Agreement between Maricopa County and the City of Phoenix in support of MCDOT Project County Arterials (ARTS), Job Number T243, Gavilan Peak Parkway from North Valley Parkway to Joy Ranch Road and Cloud Road from Gavilan Peak Parkway to 34th Lane. The County is acting as the lead agency for the design and construction of this interim roadway, and is solely responsible for all costs incurred for this project. Presently the project cost is estimated to be \$5,900,000.

The purpose of this Project is to design and build an interim 2-lane roadway, 1-lane in each direction with bike lanes along existing dirt road extending Gavilan Peak Parkway northward from North Valley Parkway to Joy Ranch Road and extending Cloud Road eastward from Gavilan Peak Parkway to 34th Lane. The Project includes not only the design and construction for the interim roadway facility, but includes right-of-way acquisition for the ultimate roadway section. The City of Phoenix will issue a no-cost permit to the County to work within the City's jurisdictional boundaries, plus they will assume all operational, maintenance and liability responsibilities 300 feet south of curb return at Gavilan Peak Parkway Station 67+96.60 on south leg of Gavilan Peak Parkway and Cloud Road and 300 feet east of curb return at Cloud Road Station 203+71.92 on east leg of Gavilan Peak Parkway and Cloud Road. Supervisorial District 3 (C-91-09-018-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**56. TRAFFIC CONTROL CHANGES**

Approve the following changes in traffic controls on unincorporated right-of-way at the following locations:

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- a. A 45 MPH SPEED LIMIT ZONE (from a 55 MPH SPEED LIMIT ZONE) on Maricopa County Route 85 (MC 85) from .42 miles East of Oglesby Road to .50 miles West of Miller Road. (This rescinds the 55 MPH speed limit zone dated August 1, 1991).

A 35 MPH SPEED LIMIT ZONE (from a 45 MPH SPEED LIMIT ZONE) on Maricopa County Route 85 (MC 85) from .15 miles West of Miller Road to .25 miles West of Miller Road. (This partially rescinds the 45 MPH speed limit zone dated November 20, 1991).

A 35 MPH SPEED LIMIT ZONE (from a 45/55 MPH SPEED LIMIT ZONE) on Maricopa County Route 85 (MC 85) from .20 East of Baseline Road to Watson Road. (This rescinds the 45 MPH speed limit zone dated August 1, 1991 and partially rescinds the 55 MPH speed limit zone dated August 1, 1991).

A 45 MPH SPEED LIMIT ZONE (from a 55 MPH SPEED LIMIT ZONE) on Maricopa County Route 85 (MC 85) from Watson Road to .25 miles East of Watson Road. (This partially rescinds the 55 MPH speed limit zone dated August 1, 1991).

A 45 MPH SPEED LIMIT ZONE (from a 55 MPH SPEED LIMIT ZONE) on Maricopa County Route 85 (MC 85) from Cotton Lane to Estrella Parkway. (This partially rescinds the 55 MPH speed limit zone dated August 1, 1991). (C-91-09-036-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- b.** A ONE-WAY STOP on Denham Drive at Balboa Drive for Eastbound traffic.

A ONE-WAY STOP on Kelso Drive at Balboa Drive for Eastbound traffic.  
Supervisory District No. 4.(C-91-09-037-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- c.** A TWO-WAY STOP on 109th Avenue at Kelso Drive for Northbound and Southbound traffic.

A TWO-WAY STOP on Salem Drive (South Leg) and Camden Avenue (North Leg) at Cumberland Drive for Northbound and Southbound traffic.

A TWO-WAY STOP on 101st Avenue at Audrey Drive for Northbound and Southbound traffic. Supervisory District No. 4. (C-91-09-038-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- d.** A TWO-WAY STOP (from a TWO-WAY YIELD) on Cumberland Drive at 101st Avenue for Eastbound and Westbound traffic. (This rescinds the two-way yield dated June 29, 1994).

A TWO-WAY STOP (from a TWO-WAY YIELD) on 101st Avenue at Clair Drive for Northbound and Southbound traffic. (This rescinds the two-way yield dated January 14, 1980).

A TWO-WAY STOP (from a TWO-WAY YIELD) on Audrey Drive (West Leg) and 108th Avenue (East Leg) at Clair Drive for Eastbound and Westbound traffic. (This rescinds the two-way yield dated February 21, 1989). Supervisory District 4. (C-91-09-035-M-00)



Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- e. All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: Balboa Drive from 100 Feet South of Mountain View Road to 100 Feet North of Deanne Drive. (This rescinds the Through Street dated April 29, 1969). Supervisory District No. 4. (C-91-09-034-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- f. All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: Buckeye Road from 100 Feet East of Wintersburg Road to 100 Feet West of 355th Avenue. Supervisory District No. 4. (C-91-09-032-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- g. A 45 MPH SPEED LIMIT ZONE (from a 50 MPH SPEED LIMIT ZONE) on Peoria Avenue from Sarival Avenue to Dysart Road (This rescinds the 50 MPH speed limit zone dated July 14, 1975). Supervisory District No. 4. (C-91-09-031-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **57. NEW TRAFFIC CONTROLS**

Approve the following new traffic controls on unincorporated right-of-way at the following locations:

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- a. A 30 MPH SPEED LIMIT ZONE on Cave Creek Road from 2.00 miles north of Bartlett Dam Road to 2.20 miles north of Bartlett Dam Road.

A 25 MPH SPEED LIMIT ZONE on Cave Creek Road from 2.20 miles north of Bartlett Dam Road to Seven Springs Road. (C-91-09-039-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- b. All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: Balsam Avenue from 100 Feet east of 96th Street to 100 Feet west of Crismon Road.

All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: Baywood Avenue from 100 Feet east of 96th Street to 100 Feet west of Balsam Avenue.

All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: Birchwood Avenue from 100 Feet east of 96th Street to 100 Feet west of 98th Street.

All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: Butternut Avenue from 100 Feet east of 96th Street to 100 Feet west of 98th Street.

All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: 98th Street from 100 Feet north of Broadway Road to 100 Feet south of Balsam Avenue. Supervisory District No. 2. (C-91-09-029-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- c. A 45 MPH SPEED LIMIT ZONE on Peoria Avenue from Cotton Lane to Sarival Avenue. A 45 MPH SPEED LIMIT ZONE on Peoria Avenue from Perryville Road to Citrus Road. Supervisory District No. 4. (C-91-09-033-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

- d. All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: 4th Street from 100 Feet south of Hector Road to 100 Feet south of US 60.

All Traffic to stop before entering or crossing a THROUGH STREET within the prescribed limits of: Powell Street from 100 Feet east of 1st Street to 100 Feet west of 4th Street. Supervisory District No. 4. (C-91-09-030-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **BOARD OF SUPERVISORS**

### **Clerk of the Board**

#### **58. APPOINTMENT TO THE CITIZEN'S AUDIT ADVISORY COMMITTEE**

Accept the resignation of George Diaz, Sr. and approve the appointment of Richard Lozar to the Citizen's Audit Advisory Committee as nominated by Supervisorial District 5. Mr. Lozar will fill the unexpired term effective as of the date of Board approval through May 14, 2009. (C-06-09-097-9-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**59. APPOINTMENT TO THE BOARD OF HEALTH**

Approve the appointment of Mike Snitz to the Board of Health representing Supervisorial District 5. The term of the appointment will be effective as of the date of Board approval through September 30, 2012. (C-06-09-096-9-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**SETTING OF HEARINGS**

~All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted~

**Planning and Development**

**60. ZONING CASES**

Schedule Planning and Development public hearings on zoning cases and other matters for the October 1, 2008 meeting. (List on file in the Clerk of the Board's Office. (C-44-09-030-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**61. ORDINANCE P-20 MARICOPA COUNTY ADDRESSING REGULATIONS**

Pursuant to A.R.S. §11-251.08., set a public hearing for October 29, 2008 to solicit comments and consider the adoption of amended Ordinance P-20 Maricopa County Addressing Regulations regarding fee increases. The amended Ordinance is effective December 1, 2008. (C-44-09-032-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**CONSENT AGENDA**

**Clerk of the Board**

**62. DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. Duplicate Warrants are on file in the Clerk of the Board's Office. (C-06-09-106-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**63. MARKET RANGES**

Approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. List of additional and/or replacement market ranges are on file in the Clerk of the Board's office. (C-06-09-107-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**64. MINUTES**

Approve the minutes of the Board of Supervisors' meetings held June 18, 2008 and July 17, 2008. (C-06-09-098-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**65. SETTLEMENT OF PROPERTY TAX CASES**

Approve the settlement of tax cases dated September 17, 2008. List is on file in the Clerk of the Board's Office. (C-06-09-110-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**66. STALE DATED WARRANTS**

The Board of Supervisors finds that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. Stale-dated Warrants are on file in the Clerk of the Board's Office. (C-06-09-111-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**67. TAX ABATEMENTS**

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-112-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

## **BOARD OF SUPERVISORS ADDENDUM**

### **Parks and Recreation**

#### **A-1. APPLICATION AND ACCEPTANCE OF A PHOTOVOLTAIC ELECTRIC SYSTEM TO INTERCONNECT TO APS AND RECEIPT OF INCENTIVE CREDIT**

Authorize the Chairman of the Board to execute the following described documents upon approval as to form by counsel relating to the Arizona Public Service (APS) Solar Partners Incentive Program for the Visitor Center at Estrella Mountain Regional Park: 1. Application for non-residential reservation to APS for a Grid-Tied Photovoltaic Electric system; and 2. Application for Interconnect Agreement to be submitted by American Solar to APS; and 3. Agreement for the Interconnection of Customer's Generation Facility to the APS Distribution System; and 4. Authorize the Parks & Recreation department to receive the one-time incentive for the program in an estimated amount of \$5,400.

Parks & Recreation department has installed photovoltaic generation facilities at the new Visitor Center facilities that are being built at Estrella Mountain Regional Park and Cave Creek Regional Park. These facilities are eligible for application to APS to connect to the grid and thereby receive a utility credit, estimated at \$5,400 per facility. Upon submission of the application to APS, the utility will review the diagrams and prepare an interconnect agreement, which will also require the Chairman's signature. (C-30-09-007-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **Planning and Development**

#### **A-2. SETTLEMENT AGREEMENT WITH SUSAN HAWLEY, CODE ENFORCEMENT VIOLATION CASE NO. V2005-00273**

Approve the proposed settlement of Code Enforcement Violation Case No. V2005-00273, Susan Hawley, as discussed in Executive Session on September 15, 2008. (C-44-09-031-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **County Attorney**

#### **A-3. GENERAL MOTORS CORPORATION V. MARICOPA COUNTY**

Authorize Counsel to present an Offer of Judgment to General Motors in the pending lawsuit, TX2005-050340, as discussed in Executive Session on September 15, 2008. (C-19-09-027-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**A-4. SETTLEMENT OF FRANK LLOYD WRIGHT FOUNDATION V. MARICOPA COUNTY**

Authorize settlement of Frank Lloyd Wright Foundation, TX2004-000652; TX2005-050205; TX2006-000178; and TX2007-000385, by granting the subject properties an educational use exemption, as discussed in Executive Session on September 15, 2008. (C-19-09-028-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**MEETING RECESSED**

Chairman Wilson recessed the Board of Supervisors to convene as Boards of Directors of various Districts.

**MEETING RECONVENED**

Chairman Wilson reconvened the Board of Supervisors.

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

68. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Tim Blake, citizen, spoke on the library funding mechanism that is in place and the secondary taxing revenues that fund the Library District, a special taxing district. He said City of Phoenix property owners contributed \$6 million to the District in FY 2007 and the reciprocal agreement between Phoenix and the District will renew in 2009. He would like revisions in the IGA since he feels Phoenix citizens are being taxed for Phoenix libraries as well as the County libraries, an unfair burden on these residents. He asked the Board to consider the double taxation and refine the agreement when it comes up for approval.

Kathryn Kobor, citizen, commented on illegal immigration and Sheriff Joe Arpaio, "guaranteeing" there are hundreds of thousands of citizens who share her positive view of Sheriff Joe Arpaio and County Attorney Andrew Thomas. She felt, "the citizens and taxpayers of Maricopa County are facing an unprecedented illegal immigration crisis. This is due to non-enforcement and under enforcement of our immigration laws." She gave her full support to Sheriff Arpaio and to Andrew Thomas in their efforts to properly enforce the law. A Maricopa County, taxpaying, citizen since 1947, Ms. Kobor said, "I've paid my taxes and I expect to go out on my neighborhood streets and not get shot by the drug cartels. The kidnappings and the beheadings that have been going on in this city, is terrible and there is more to come."

Marilyn Fox and Kate Goodhart, citizens, had registered to speak but were not present when called by the Clerk.

Roger A. Delp, founder of R.A. Delp and Associates, said he has been a registered engineer in this state since 1973. He distributed copies of his idea for a "Plan Review

Task Force" with 175 signatures that endorse the plan. He indicated that they all agree that getting a building permit in Maricopa County, even for single-family residences, "has become a bureaucratic nightmare." The reviewers from one County agency often contradict the approvals granted by another. Some plan reviewers hold grudges. Plan submittals have been known to be mis-routed; some plan reviewers have told property owners that they will not work or review plans submitted by specific architects and engineers, nor will they accept construction by some of the contractors. He added, there are no current procedures that will give relief to the property owner in a timely and economical manner. The Appeals Board system is long and cumbersome. The appeals application can only begin after the plans have been approved. He said that time is money and the property owner cannot afford these delays. We need an organization that can speed-up the review process during the plan review not afterwards.

Supervisor Wilcox reminded everyone that the Board cannot comment or respond to public comment issues during the meeting. She assured that the issues will be reviewed and responded to.

Monica Goddard, citizen, registered to comment on the Library District but did not come forward when called by the Clerk.

**69. Supervisors'/County Manager's summary of current events.**

Supervisor Wilcox reported on United Latinos in Business Coalition awards received at the Excellence in Business Awards dinner that highlighted easier ways for small businesses to conduct business with Maricopa County Materials Management department.

**\*\*\*The Board of Supervisors will now consider Code Enforcement Reviews.\*\*\***

**Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.**

## **CODE ENFORCEMENT REVIEW**

David Smith left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Kevin Costello, Deputy County Attorney, came forward to present the following planning and zoning cases.

**PZ-1. PATROCINIO MENDEZ V2003-01305**

Patrocinio Mendez: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2003-01305: Patrocinio Mendez. (Supervisory District 4) (ADM3417-059) (C-06-09-050-M-00)

Darren Gerard reported on the background of this violation case for construction without a building permit that was opened in October 2003 due to a citizen complaint. Mr. Mendez was found responsible at a Code Enforcement Hearing March 11, 2008 and a fine was set at \$300 plus \$30 per diem. The respondent submitted an application for a Special Use Permit on that date. Signoffs on the SUP remain outstanding for drainage review and flood control. The recommendation is to uphold the Order of Judgment

including the accruing fines.

Supervisor Wilcox entered a motion to uphold the Order of Judgment, to include all per diem accruing fines, but to give Mr. Mendez an extended compliance deadline of May 30, 2009, when, if compliance is verified all the daily non-compliance fines will be suspended. Verified compliance will be either an approved SUP or an issued and finalized construction permit for placement of the unit or removal of the unit from the property.

Supervisor Stapley seconded the motion which carried unanimously, as detailed below.

Motion to uphold Hearing Officer's Order to include all per diem accruing fines, but to give Mr. Mendez an extended compliance deadline of May 30, 2009, when, if compliance is verified all the daily non-compliance fines will be suspended. Verified compliance will be either an approved SUP or an issued and finalized construction permit for placement of the unit or removal of the unit from the property by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**PZ-2. CHARLES PRESCOTT V2007-01529**

Charles Prescott: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2007-01529: Charles Prescott. (Supervisory District 4) (ADM3417-062) (C-06-09-051-M-00)

Darren Gerard said this violation is on a business operating in District 5 without proper zoning entitlement and was opened by a citizen complaint received in July 2007. A hearing occurred on April 29, 2008, where the respondent was found to be responsible and fined \$300 plus \$30 per diem until compliance is verified. This was continued by the Board on June 18, 2008. He said that to date no application for a Special Use Permit (SUP) has been submitted, however, Mr. Prescott applied for a pre-application meeting last month and this will be held on September 26, 2008. At this time, the SUP process will be reviewed with Mr. Prescott and his counsel. He noted that the SUP process takes six to eight months. The recommendation is to uphold the Order of Judgment including the accruing fines.

Motion to uphold Hearing Officer's Order including all fines and giving Mr. Prescott an extended compliance deadline of May 30, 2009, at which time if all compliance is verified all daily non-compliance fines will be suspended. She told Mr. Prescott that he had a certain time period to comply and this could not be delayed, noting that he had barely made the deadline to file for the SUP and this extension will be closely monitored by: Supervisor Wilcox, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**PZ-3. LOUIS IZZO V2006-01776**

Louis Izzo: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2006-01776: Louis Izzo. (Supervisory District 2) (ADM3417-065) (C-06-09-049-M-00)

Darren Gerard gave details on the violations in this case for a zoning clearance violation of construction completed without a building permit. This parcel is located in Granite Mountain Ranch subdivision where lots are limited to a maximum disturbance envelope



of 20,000 square feet. The complaint was opened on a citizen complaint made September 27, 2006, for construction that had been ongoing for years without permits. An inspection in 2006 revealed construction of a wall, a lined pool and spa and Mr. Izzo admitted at that time, his awareness that this construction was without permits. Mr. Izzo submitted as-built permits on December 12, 2006, and these are still pending. Interim notices were sent, and a violation hearing was held June 24, 2008, (neither Mr. Izzo nor his representative attended). The respondent was found responsible and a fine set at \$300 plus \$30 per diem to accrue until compliance was verified. No compliance deadline was set that would afford any suspension of accruing fines. The recommendation is to uphold the Order of Judgment, including accruing fines which, today, total \$2,850. He added that the outstanding permits still have issues, which have been repeated to the respondent, of the need for a required engineer grading and drainage plan; and, the site plan does not illustrate the maximum 20,000 square feet disturbance area that is allowed in the subdivision. He showed aerial-photos of the site at different development stages in the two-year period.

The respondent was not present. Supervisor Stapley asked what Mr. Izzo could do to fix this issue, if it would be necessary to tear out all construction and put it back into its original state.

Mr. Gerard replied that the simplest option would be for him to provide the required engineer grading and drainage plan and have the site plan calculate the disturbance envelope.

Supervisor Stapley asked how a drainage plan is provided when the land has been covered in concrete.

Mr. Gerard said all the residents of that subdivision have the same situation to deal with but Mr. Izzo has not made an effort to provide the required information and it is believed that these plans could be drawn.

Motion was made by Supervisor Stapley to uphold the Hearing Officer's Order of Judgment.

Before a second could be entered, Chairman Wilson expressed concern at the absence of Mr. Izzo and asked if he would have any future options if the order is upheld today.

Kevin Costello, Counsel to the Planning Department, said the property owner requested this hearing and it was noticed, however, it would be proper for the Board to choose to continue the matter for two weeks. Discussion ensued on the extension of time.

Motion to continue for two weeks to the October 1, 2008, meeting by: Supervisor Stapley, Seconded by: Supervisor Wilcox  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

\*\*\*The Board of Supervisors will now consider matters related to Planning and Zoning.\*\*\*

## **PLANNING AND ZONING AGENDA**

### **CONSENT AGENDA**

**1. S2008017: SUN LAKES UNIT 36C REPLAT**

Case Number: S2008017 - Sun Lakes Unit 36C Replat  
Supervisory District:   
Applicant: Todd Fitzgerald, B&R Engineering, Inc.  
Location: Northwest corner of Starcrest Dr. and Teakwood Dr. - (in the Chandler area)  
Request: Replat in the R1-6 RUPD zoning district  
Commission Action: N/A (C-44-09-029-7-00)

Motion to concur with the recommendation of the Planning Commission for approval by:  
Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

### **REGULAR AGENDA**

**2. SPECIAL USE PERMIT: HOLIDAY HOUND HOUSE**

Case Number: Z2008006  
Supervisory District: 1  
Applicant: Deborah Mullen  
Location: North of Hunt Hwy. and west of Valencia Avenue (in the Chandler Heights area)  
Request: Special Use Permit (SUP) for an animal boarding/grooming facility in the Rural-43 RUPD zoning district (approx. 1.2 ac.) – Holiday Hound House [Note: Super-majority vote of the BOS is required for approval.]  
Commission Action: Motion to approve 5-2 (Aster and Brooks dissenting) subject to alternative stipulations "a" through "bb"

This item was continued from the August 20 and September 3, 2008 Formal meetings. (C-44-09-020-7-00)

Lynn Favour gave background on this case for a Special Use Permit (SUP) for a kennel and grooming business in the Chandler Heights area, and said that due to opposition a super majority vote of the Board is required for approval. The Town of Queen Creek recommends approval of this permit for 10 years. Neighborhood opposition says this business does not belong in a residential area that property values will diminish and it will add dust, traffic and noise to the residential environment. The item was continued from the August 20, 2008, and September 3, 2008, meetings.

Clients of the applicant from her previous location in Gilbert have offered support for the applicant and her business practices. Planning Commission and staff recommend approval with stipulations "a" through "bb." Ms. Favour indicated that despite the continuances to try to resolve opposition to this business, she believed that all the nearby property owners remain "strongly opposed" and there is also opposition from neighbors not adjacent. She knew of no support from neighbors in the Chandler Heights area.

Deborah Mullin, applicant, spoke her beliefs that the opposition is based on little or no factual basis and said she would try to give the Board reasons to approve her SUP despite the opposition, believing the Board will base their decision on facts and not on the "emotions of the people involved."

She gave explanatory answers to the following concerns to alleviate concerns: Smell; Noise; Outdoor supervision of dogs; Traffic; Dust; Grooming of animals as they leave the facility - and she offered to remove that service from her permit; Occupants of the residence; Business lowering property values and why she is moving from Gilbert. Mrs. Mullin said that only two families were opposed until after the Planning Commission meeting on the SUP and then others were incited to opposition to a SUP for anything for a 10-year period.

Mrs. Mullin said a neighbor of the property has 40 sheep, 40 chickens and 40 turkeys and these are sold, which should also count as a business. She cited several other small businesses within several blocks of the property; she referenced neighborhood kids who ride their motorcycles, quads and dirt bikes on nearby roads; loud weekend music from across Hunt Highway until 2:00 to 3:00 a.m.; a water company actively doing business with client vehicles accessing the company office across the street several times daily. She questioned the actual nature of the neighborhood being protected from her business, saying for the first time they'd had graffiti painted on walls; mailboxes vandalized; cars broken into and things stolen. She did not feel her small business would add much negative impact, if any, to the neighborhood.

She said a decision to grant the SUP would benefit the many rather than satisfy the few. She did not believe the lives of those few would be affected one way or the other by having this facility in their neighborhood since it had little impact on the neighbors in Gilbert.

Supervisor Brock noted the dilemma presented by her impassioned presentation and grasp of her business, and her current loyal customers vs. the neighbors in the Rural-43 zoned residential area who oppose her business. Especially when there are other businesses operating in the same area. However, he said the County must react when complaints are received and the Board has little choice other than to follow the law and deny the request. He did encourage her to re-apply in a year as he will recommend that the County investigate some of the other businesses in operation in near proximity.

Kristen Andersen said she has met with neighbors who have signed petitions against the dog boarding business. She and her husband feel the SUP for 10 years would limit their ability to overturn it and/or the business should problems arise.

Yvonne Warner said they tried to come to terms with this business venture by walking the neighborhood, talking with residents about it, and had found not one who approved of it. She asked the Board to respect these wishes and vote "no."

Elizabeth Johnson said their neighborhood is quiet, the children ride horses, she raises grapefruit. She said they have a tight-knit community and she is very opposed to having a commercial dog-boarding facility in the area.

Charles Warner said they had expressed opposition to having a commercial business in the neighborhood from the beginning. He is still opposed and said every resident within 300 feet is also opposed.

Dan Lippman said Deborah Mullin is his mother and he supported her and her tireless efforts, time and money that have gone into this business. He said she just wanted to

have a small, boutique quality, dog kennel in her semi-retirement. He said the neighborhood opposition was delayed until after she purchased the property and she has tried hard to alleviate concerns of the neighbors. He cited some concerns he has with the neighborhood, such as very unsightly, large, metal buildings on properties, something not usually seen in purely residential neighborhoods.

Kim Rudy represented the clients of Holiday Hound House and presented signatures of 70 clients who are pleased with and support approval of this SUP. She said there were actually several hundred clients but because of time constraints they were not able to get all the signatures. She said quality care is given to animals left at Holiday Hound House, the kind of personal care to animals that is difficult to find in the Valley, or anywhere.

Supervisor Wilcox said such a decision is always difficult for the Board to make. Those neighbors, who have lived there for years, have spoken against this as eloquently as the applicant has spoken in favor of it. But those against it live on all sides of the site and surround it and, unfortunately, the majority rules.

Motion to deny by: Supervisor Brock, Seconded by: Supervisor Stapley  
Ayes: Stapley, Brock, Wilcox, Wilson  
Absent: Kunasek

**3. ZONE CHANGE: Z2007150 - THE PRESERVE AT GOLDFIELD RANCH**

Case Number: Z2007150  
Supervisory District: 2  
Applicant: CMX for Goldfield Preserve, LLC  
Location: State Route 87, east of the Verde River (in Goldfield Ranch)  
Request: Zone Change from Rural-190 to Rural-70 RUPD PAD, Rural-43 RUPD PAD, and R1-8 RUPD PAD, with Protected Development Rights (approx. 2,078 acres) - The Preserve at Goldfield Ranch  
Commission Action: Recommendation will be as per Commission action tentatively scheduled for 9-04-08. [Note: Staff will recommend the Commission motion for approval subject to stipulations 'a' through '??'] (C-44-09-027-7-00)

Lynn Favour reported on the background of this zone-change case and said the handout given to Members contained several changes, revised stipulations and additions. She said the request has received both support and opposition and while quite a few notices were received very late in the process, their calculations indicate there are too few in opposition to trigger a super-majority vote of the Board. The Goldfield Concerned Citizens Association has representatives present to voice their concerns. Kevin Costello agreed that the super-majority had not been triggered in this case. Ms. Favour said the preliminary plat could not move forward yet and staff cannot support the request for Protected Development Rights at this time. Applicant has withdrawn their request for these rights, entered as part of their rezoning request. She said the site is within the Goldfield Ranch Area Plan, which was adopted on January 2, 2008, and it is compliant with that Plan. The recommendation is for approval with revised stipulations "a" through "y."

Wendy Riddell spoke for the applicant and gave a PowerPoint presentation to illustrate specifics. She said the original DMP, from 1995, was amended in 2007 to reduce the density and eliminate the commercial development and golf course and had a very

positive result for the site. She explained the three separate zoning categories they are requesting and said they are compatible with the amended DMP and she reviewed the improved amenities, lot sizes, roadways, traffic impact, planned land restorations and amount of open space. She said they are in agreement with the amended stipulations with one exception, having to do with access into Tonto National Forest and the Fort McDowell Yavapai Nation, in stipulation "I." They believe this question should wait until the platting process to be resolved. She asked that stipulation "I" be deleted.

Supervisor Stapley said that instead of deleting stipulation "I" it should be replaced with a direction to staff to be sure this easement question is addressed and resolved prior to the final plat. Ms. Riddell agreed to this. She answered several questions from Board Members on improvement to existing roads, access into and out of the site, and freeway interaction.

Stephen Anderson, Salt River Pima Maricopa Community, expressed concerns about this project as felt by the Community, which he said is downstream of the project, although not adjacent. The concern is about water and water quality, issues that have been "carved off into three separate Special Use Permit applications." He indicated that the Tribal Council will be watching the SUP process very carefully when as it proceeds.

Randy Haines, Goldfield Concerned Citizens, was concerned that any new development project should pay "its fair share of any additional public facility needs created by the development." He said this is usually done by development agreements with neighboring communities and he asked the Board to include this in the requirements before approval of this request. He was concerned about four, currently dirt, access roads maintained by the HOA that the developers want to improve and use, that he maintains would "dump loads of traffic onto Goldfield's privately owned roads." He said that Goldfield has one home on five acres and the Preserve plans for up to five homes on one acre. Whatever the increased number of cars, he believed the developer should bear his fair share of liability and maintenance on the currently private roads that will be used by many of the new homeowners. He was very concerned about receiving a fair share after the development is completed and the developer is gone. He maintained there must be a stipulation for some kind of agreement between the developer and the Property Owners Association that would be drawn before the final plat is approved. (Mr. Haines also spoke with time ceded to him by Kent Mathes.)

David Bodney, representing the Fort McDowell Yavapai Nation - also downstream but contiguous to the Preserve, shared the same water resources and water quality concerns expressed earlier. He also expressed concerns about who the responsible party would be for the new facility after the developer leaves. He said they will also monitor future developments carefully as to whether the stipulations are being followed. He said the County's report states there are several outstanding issues that must be resolved prior to the actual development of the site and he stated that the Nation fully agrees that this should be followed.

Supervisor Wilcox asked staff if enough protections have been provided for monitoring such issues. Lynn Favour said that staff has a very active role because of the pending SUP's and one of the amended stipulations provides added protection on the start of mass-grading of the property until it is approved for development under the Plan.

Michael Graci was called to speak, but did not come forward to speak.

Janet Heekin, Goldfield Ranch resident and on the Board of Directors of the Ranch's HOA she said had over 100 residents and property owners as members. She said they have worked with the developers over the years in a very productive relationship. She

felt the relationship that has been formed will continue in the future and any road, or other issues, can and will be amicably handled.

Virgil Dutton, President of the Goldfield Ranch Homeowners Association, said this organization has a far greater membership than any other owner group at Goldfield Ranch by at least a factor of five.

Gina Waldo was called but did not wish to speak. Bob Waldo also did not speak but was registered "in favor." Also registering in favor was Martin J. White.

Suzanne Prosnier said they bought their property 20 years ago and had looked forward to a quiet retirement. She felt it ironic that the owners were being asked to agree on zoning changes when they hadn't even been able to agree on issues with the roads. She said the estimate of the number of cars a day had gone from 10,000 to 6,000 and today they said 4,000. She said that today she lives in Scottsdale and does not have 4,000 cars on her street there.

Kathleen Haines urged that this entitlement be deferred until the developer can present necessary infrastructure details.

Deborah Sedlmayer said residents oppose this zoning change as they are still waiting for answers on electric, water supply and traffic problems. She asked for their quality of life to be protected by seeing that all of the infrastructure questions are answered first. She said this has been a quiet community that enjoyed its rural lifestyle. Until answers are forthcoming she asked the Board to vote no.

Claude Prosnier registered in opposition and Deb White Wozoncik is also registered, but with no preference given.

Supervisor Stapley explained that he could not answer all the objections posed today but he did express concern that Randy Haines seemed to be requesting that the group in opposition to this entitlement be granted the ability to essentially stop the process. He said there is no precedent for that and could not remember the Board ever having done it. He added that this project is not perfect and there is still much to be achieved, but it has come a long ways. He said, "It is not our role to prove up the Department of Water Resources or EPA - the issues that have been raised." He felt the developer has demonstrated intention and ability to be responsible. He commended the developer for the creative way this very topographically challenging property has been designed. Supervisor Stapley asked the developer to state a willingness to work with the neighborhood group represented by the Haines' and others and said he would be willing to eliminate stipulation "I" as given earlier if all would meet to talk about the issues, in lieu of the stipulation.

Ms. Riddel said there is one settled lawsuit against the developer from the Haines' or the Goldfield Concerned Citizens, one pending lawsuit and a third lawsuit that has been threatened. She said this makes it difficult to have successful, meaningful dialogue between neighborhood communities.

Supervisor Stapley offered his offices if she would be willing to talk with representatives of the group. Ms. Riddel said, "Yes."

Supervisor Stapley expressed his willingness to move this for approval with the revised stipulations and noting that stipulation "I" be deleted and that the applicant was willing to discuss the easement question with the neighbors prior to final plat approval.

Supervisor Wilcox entered her second and said she had originally voted against the Goldfield Ranch Preserve because of the heavy density. She complimented the developers for the modifications they have made, which she felt have been creative and insightful. She appreciated the check and balance from staff with regards to the SUP's, and to safeguarding the environmental, water issues and the safety rights of those living downstream from the development. She stressed the importance of keeping the surrounding desert as pristine as possible and hoped it would be a guide to other developers in the future, saying, "We can never stop development but only guide it."

Supervisor Stapley also assured the representatives from the two Native American Communities who appeared today that the Board takes their concerns very seriously and noted to staff the Board's definite commitment to keeping both of these Communities in the loop throughout the entire process. He assured both representatives that the County would do nothing to diminish their quality of life. He thanked both for their interest and for attending the meeting.

Motion to concur with the recommendation of the Planning Commission for approval subject to the deletion of stipulation "I" and amended stipulations as renumbered "a" through "x" as detailed at the end of the stipulations.

[Note: Staff was instructed to ensure that questions regarding access easements to the boundary of the Tonto National Forest and the Ft. McDowell Yavapai Nation are addressed either by subdivision redesign or easement abandonment prior to final plat approval.]

a. Development and use of the site shall be consistent with the zone change narrative report entitled, "The Preserve at Goldfield Ranch – Residential Unit Plan of Development and Planned Area Development", consisting of 62 pages and 16 figures, and 10 appendices dated revised July 3, 2008 and stamped received July 7, 2008, except as modified below.

b. Development and use of the site shall be consistent with the document entitled "The Preserve RUPD, PAD Site Plan" consisting of two (2) full size sheets, dated August 25, 2008 and stamped received August 27, 2008, except as modified below.

c. Tables J-1 and J-2 of the project narrative referenced in Stipulation 'a' above shall be as submitted STAMPED RECEIVED on July 29, 2008.

d. Figure 9 of the project narrative referenced in Stipulation 'a' above shall be as submitted STAMPED RECEIVED on July 29, 2008.

e. Lot and parcel layout, delineation and yield as shown on the zoning exhibit referenced in Stipulation 'b' above are conceptual.

f. This development and portions thereof including any future residential lots is subject to the provisions of the Restoration Plan included as Appendix J of the project narrative referenced in Stipulation 'a' above.

g. This is not a Protected Development Rights Plan.

h. Zoning is conditional. If a final lotting plat is not approved by December 19, 2012, the Board of Supervisors may take action to revert the zoning following a recommendation by the Planning and Zoning Commission.

i. Prior to approval of any Final Plat, including a Master Final Plat, (LOTING) the

developer shall provide written documentation from Salt River Project (SRP) stating that SRP has the physical and legal capability to serve electricity to the ENTIRE site CONTEMPLATED BY THE PRESERVE AT GOLDFIELD RANCH DEVELOPMENT MASTER PLAN. A Final Plat shall not be approved unless SRP has the capability of extending electrical service to all lots and tracts contemplated by the Final Plat.

j. The developer shall provide bus stops and community gathering nodes in a manner consistent with Appendix E of the project narrative Referenced in Stipulation 'a' above. Further, the developer shall provide two (2) additional bus stops / gathering nodes to be located in Parcels C and D, south of State Route 87.

k. All Disturbance Envelopes and Conservation Easements shall be clearly delineated on all Preliminary Plats and Final LOTTING Plats in addition to all future Plot Plans where applicable. All Disturbance Envelopes and Conservation Easements shall be surveyed and pinned in the field. All future land owners shall be advised of the development constraints imposed on the property by virtue of the proposed Disturbance Envelopes and Conservation Easements.

l. The following Maricopa County Department of Transportation stipulations shall apply:

1. The Developer (Applicant) has provided a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS shall be updated prior to any final plat approvals and with each development phase to reflect current conditions and any changes to the development plan. The need for additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS. The TIS must be approved before subsequent approval of any roadway improvement plans.

2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Developer shall comply with the Development Agreement executed by the Board of Supervisors on July 23, 2008.

3. The Developer shall provide the ultimate full-width of 100 feet as right-of way for all public roadways, and shall provide a minimum of 80 feet as private tract for all interior collector roadways. Additional right-of-way (or private tract width) shall be provided at any intersections where future dual left turn lanes are possible.

4. The Developer shall be responsible for design and construction of the ultimate full-width of all interior roadways. All roadways must meet county standards in effect at the time they are improved, or as otherwise approved by MCDOT. This includes, but is not limited to the MCDOT Roadway Design Manual, including ITS infrastructure requirements and the Drainage Policies and Standards for Maricopa County. Roadway improvement plans must be approved and permitted by MCDOT. The Developer shall relocate well site(s) and/or provide additional right-of-way/private tract in the event of conflict with any transportation facilities. The Developer shall be responsible for design and construction of all collector roadways to a minimum design speed of 40 mph, or as otherwise approved by MCDOT.

5. The Developer is responsible for assuring paved access to their site at the time of the first final plat.



6. The Developer shall provide all-weather access to all parcels and lots, and on all collector roadways.

7. The Developer shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.

8. The Developer shall design and construct the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site. The Developer shall design and construct a Park and Ride facility.

9. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.

10. The Developer shall design landscaping to comply with all county requirements and the MCDOT Roadway Design Manual. The Developer (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.

11. The Developer shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.

12. The Developer shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)

13. MCDOT continues to recommend that roadways meet minimum county standards. If roadways are not built to minimum county standards, perpetual maintenance of the roadways must be provided through alternative means.

m. Drainage methodologies contemplated by this zone change are conceptual only. Prior to the approval of any Preliminary Plat, the developer shall demonstrate that the project will be developed in accordance with the Drainage Regulations of Maricopa County.

n. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet.

o. All interior streets within the proposed development are to be constructed to minimum County standards, UNLESS OTHERWISE APPROVED BY MCDOT.

p. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.

q. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.

r. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance or Final Plat approval, the applicant shall seek review and

comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

s. Prior to zoning clearance or Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

t. Major changes to the Zoning Narrative or Site Plan, and any modifications to the stipulations of approval, shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.

u. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

v. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit ZONE CHANGE as set forth in the Maricopa County Zoning Ordinance.

w. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

x. THERE SHALL BE NO PRE-GRADING OF THE SITE. NO NEW GRADING SHALL OCCUR WITHIN THE AREA CONTEMPLATED BY THE PRESERVE AT GOLDFIELD RANCH DEVELOPMENT MASTER PLAN EXCEPT AS SPECIFIED UNDER AN APPROVED INFRASTRUCTURE PERMIT, OR AN APPROVED COMMERCIAL CONSTRUCTION PERMIT, OR AN APPROVED RESIDENTIAL CONSTRUCTION PERMIT. LIMITED GRADING MAY BE ALLOWED BY THE PLANNING AND DEVELOPMENT DEPARTMENT TO ALLOW FOR PERCOLATION, WELL TESTING AND OTHER ENGINEERING EXERCISES.

Motion to concur with the recommendation of the Planning Commission for approval by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Stapley, Brock, Wilcox, Wilson

Absent: Kunasek

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Max W. Wilson, Chairman of the Board

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Fran McCarroll, Clerk of the Board